

# **Town of Wilson**

## **Zoning Ordinance**

Last Revision  
Adopted by the Town Board  
December 15, 2003

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## **Section 1.00 Introduction**

### **1.01 Authority**

This Ordinance is adopted under the authority granted by Sections 60.61, 60.62, 61.35, 62.23 (7), 87.30, 144.26 and Chapter 236 of the *Wisconsin Statutes* and amendments hereto.

### **1.02 Purpose**

The purpose of this Ordinance is to promote the comfort, health, safety, aesthetics, and general welfare of the Town of Wilson, Sheboygan County, Wisconsin.

### **1.03 Intent**

It is the general intent of this Ordinance to regulate and restrict the use of all lands, structures and waters and to:

1. Regulate lot coverage and the size and location of all structures to prevent overcrowding and to provide adequate sunlight, air, sanitation and drainage.
2. Regulate population density and distribution to avoid sprawl or undue concentration and to facilitate the provision of adequate public service and utilities.
3. Secure safety from fire, pollution, traffic congestion and other dangers.
4. Stabilize and protect existing and potential property values.
5. Promote the beauty of the Town of Wilson.
6. Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters.
7. Further the maintenance of safe and healthful land, water, and air conditions.
8. Provide for and protect a variety of suitable commercial and industrial sites.
9. Protect and enhance the efficiency and safety of the traffic carrying capacity of existing and proposed arterial streets and highways.
10. Implement applicable town, county, watershed and regional comprehensive plans.
11. Provide for the administration and enforcement of this Ordinance.
12. Encourage, enhance and maintain elements of natural, cultural and historical significance.

### **1.04 Abrogation and Greater Restriction**

It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, Ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

### **1.05 Interpretation**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be construed to be a limitation or repeal of any other power now possessed by the Town of Wilson.

### **1.06 Severability**

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, except as directed by the court.

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**1.07 Repeal**

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

**1.08 Title**

This Ordinance shall be known as, referred to, or cited as the "ZONING ORDINANCE, FOR THE TOWN OF WILSON, SHEBOYGAN COUNTY, WISCONSIN."



## **Section 2.00 General Ordinance Application Procedures**

### **2.01 Purpose**

This is a general description of the zoning process used in the application for zoning permits that must go to the Plan Commission and Town Board for action. See Section 6.00 and below for exceptions and clarifications.

### **2.02 General Ordinance Applications**

This general process is stated below to aid the applicant in complying with this Ordinance. The processes, review standards, permits and duties of the participants are explained in more detail elsewhere in this ordinance.

#### **1. Pre-application Consultation:**

It is recommended that, prior to the filing of an application for action under this Ordinance, the applicant should consult with the Plan Commission, Planner, and/or Building Inspector in order to obtain their advice and assistance. This consultation is neither mandatory nor binding. It is intended to inform the applicant of the purpose of these regulations to otherwise assist the applicant. In so doing, both the applicant and Plan Commission may reach conclusions regarding zoning procedures, schedule and the general objectives of the proposed development. Applicants are encouraged to present their basic ideas using a concept or sketch plan. The pre-application sketch plan can be general and diagrammatic. The Plan Commission's role is to assess possible effects of development on the neighborhood and community and to provide the applicant with a better understanding of the required procedures.

#### **2. Application:**

The applicant should get the appropriate forms from the Town Clerk and file the application and required information with Town Clerk. Fourteen copies of the application have to be filed with the Town Clerk thirty (30) days prior to the meeting at which it will be considered. All maps drawings and applications shall be done in a manner that is clearly reproducible with a photocopier on to 8.5 x 11 or 11x17 inch paper, except required scaled drawings. Refer to Section 7.03.

#### **3. Reviews by the Town Clerk:**

The Town Clerk will determine whether the application is complete and fulfills the application requirements of this Ordinance. The Town Clerk will determine what action the application requires and so advise the applicant. If the Town Clerk determines that the application is not complete or does not fulfill the requirements of this Ordinance, the Town Clerk shall return the application to the applicant. The Town Clerk will forward all applications to the Plan Commission.

#### **4. Building Inspector:**

The Building Inspector issues all permits, or authorizes office personnel to issue permits, pursuant to this ordinance.

The Building Inspector may deny or approve these permits directly:

- a. Residential Building Permits.
- b. Occupancy Permits. All other applications shall be forwarded to the Plan Commission, except variance request, which shall go to the Board of Appeals.

#### **5. Plan Commission:**

a. Plan Review and Recommendation to Town Board: The Plan Commission shall review and recommend to the Town Board all applications requiring Town Board action. These applications will include, but are not be limited to:

1. Conditionals Use Permits.

2. Sign Permits.
  3. Subdivision plats.
  4. Certified survey maps.
  5. Zoning Ordinance Text Amendments.
  6. Amendments to the Official Zoning Map.
  7. Commercial and Industrial Site Plans.
  8. Plans and proposals as directed by Town Board.
  9. Planned Unit Developments.
- b. Scheduling of Meetings:  
If the application requires review and action by the Plan Commission, the Town Clerk will send the application to the Plan Commission. The Plan Commission shall schedule a reasonable time and place for a public hearing, if required, to consider the application within (forty-five) 45 days after the acceptance and determination of the complete application.
- c. Review and Recommendations to Town Board:  
The Plan Commission shall review and recommend to the Town Board for review and action all applications requiring Town Board action. The Plan Commission may:
1. Recommend approval to Town Board.
  2. Table the action for further consideration.
  3. Recommend denial to Town Board.
  4. Recommend approval with Conditions to Town Board.
  5. Deny (See Section 10.02).
- d. Presentation at Plan Commission meeting:  
Applicants are required to be present and explain their project at the meeting at which their application is scheduled for consideration. The applicant may appear in person or by agent. The applicant is encouraged to make a clear presentation and may use support material, such as handouts, expert witnesses, drawings, photos and/or videos.
- e. Consideration:  
The Plan Commission will consider the information that has been presented to determine if the project:
1. Conforms with this Ordinance;
  2. Promotes compatible development;
  3. Stabilizes and/or enhances the surrounding property values;
  4. Fosters the attractiveness and functional utility of the Town as a place to live and work;
  5. Preserves the character and quality of the built environment;
  6. Maintains the integrity of those areas, which have a discernible natural or historical character;
  7. Protects public investments; and
  8. Offers no threat to public health and safety.
- f. Additional Project Information:  
The Plan Commission may request information about the project such as: existing and proposed uses and structures, neighboring uses, site plans, and architectural plans for proposed structures; circulation issues such as driveway locations, highway access, parking; utility information such as drainage, sewerage, water system, lighting; and compliance with Sheboygan County Ordinances. If the project involves access to public right-of-way, the applicant shall provide consent of the agency responsible for the right-of-way. If the project involves increased use of a public utility, applicant shall provide consent of agency responsible for the utility, such as sewer and water.

g. Additional Impact Information:

The Plan Commission may also request information about the impact of the project on the community, such as increased traffic on public streets, soil limitation, sewage disposal, surface and storm water management, sediment control, fire protection requirements, architectural character, visual impact from public areas, and emission of smoke, noise, dust, dirt, light, vibrations, and odorous or noxious gases.

h. Public Involvement:

All re-zoning actions must go through a public hearing and review by interested parties. Determination of whether or not a public hearing is involved should be determined through consultation with Town staff and/or the Plan Commission. The applicants are encouraged to review the concept plan or preliminary plan with all interested parties to get their input prior to the public hearing. This may include:

1. Neighbors within three hundred (300) feet of the property.
2. Sheboygan County Land Conservation Department, if it is a rural area.
3. County Highway Engineer, if access to County road is planned.
4. Wisconsin Department of Transportation, if access to state road is planned.
5. Sheboygan County Planning and Resources Department.

i. Environmental Compatibility:

There are several environmentally important areas in the Town of Wilson that have to be considered in the zoning process. These are wetlands, shore lands, floodplains, and soils that are unsuitable for development. It is advised that the applicant determine if they occur on their proposed site prior to preliminary plan submittal by contacting the Sheboygan County Planning and Resources Department.

j. Modifications/Conditions:

The Plan Commission may suggest modifications or conditions that are necessary to fulfill the purpose and intent of the Ordinance. Modifications or conditions may include, but are not limited to; landscaping, architectural design, type of construction, construction commencement and completion dates, erosion control, storm water management, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements and emissions control.

k. Notification:

The Plan Commission shall review application(s), and make recommendation to the Board. The Board will render a decision and notify the applicant in writing of their action on the application within forty-five (45) days, unless the time is extended by written agreement with the applicant.

l. Public Hearing:

The Plan Commission must hold a public hearing on applications for all subdivision, conditional use permits and zoning changes. The purpose of the public hearing is to get citizen input on the application. The public hearing will be posted at the official places of the Town and in the newspaper for two weeks prior to the public hearing. The applicant will be expected to present their proposal and listen to public comments. After the Public Hearing, the Plan Commission will consider the application and make recommendation to the Town Board.

m. Town Board Action:

The Town Board shall review the application and public comment and approve or deny, in writing, the application within forty-five (45) days, unless the time is extended by written agreement with the applicant.

n. Denial:

In the event an application is denied the applicant may appeal directly to the Town of Wilson Board of Appeals.

o. Permit Issued:

If Town Board approves an application the Clerk shall be directed to initiate a permit, if necessary.

p. Final Submittal:

When an applicant receives approval and needs to make changes to the application or plan as required by the Plan Commission or Town Board, the applicant shall make such changes and resubmit plans to the Plan Commission. The Plan Commission shall review compliance with modifications and conditions required by this Ordinance.

q. Protest:

Follow State Statutes.

## **Section 3.00 Plan Commission**

### **3.01 Purpose**

Pursuant to Section 60.22 (3), 61.35, and 62.23 of the Wisconsin Statutes, there is hereby created a “Plan Commission for the Town of Wilson, with the powers, duties and qualifications set forth in this Ordinance and in Section 62.23 of the Wisconsin Statutes.”

### **3.02 Membership**

1. Terms:

The Plan Commission shall consist of seven (7) members. The Town Board Chairman who shall also choose the presiding officer shall appoint all members of the commission. The Town Board Chairman may appoint him or herself to the commission and may appoint other Town elected or appointed officials, except that the commission shall always have at least three (3) citizen members who are not Town Officials. Citizen members shall be persons of recognized experience and qualifications. The members of the commission shall be appointed to hold office for a period of three (3) years. Appointments shall be made by the Town Board Chairman during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of the term.

2. Alternate Member:

The Town Board shall elect an alternate member of the Plan Commission. The alternate shall act with full power, when there are not enough Plan Commission members available to provide a quorum.

3. Quorum:

Four (4) members shall constitute a quorum.

4. Vacancies:

Should a vacancy occur on the Plan Commission, the Town Board Chair shall fill such position by appointment as soon as practicable.

5. Removal:

Members shall be removable at the option of the Town Board, by a majority vote.

6. Compensation:

Members of the Plan Commission shall serve without compensation.

### **3.03 Duties**

The Plan Commission duties shall include, but are not limited to:

1. Planning:

The Plan Commission shall have the duties of making reports and recommendations as to the planning and development of the Town of Wilson to: The Town Board, public officials, agencies, public utilities, civic, educational, professional and other organizations and citizens.

2. Review and Recommend:

The Plan Commission shall review plans and applications submitted under this Ordinance. After reviewing and holding a public hearing, if necessary, the Plan Commission shall make a recommendation to the Town Board for the final decision.

### **3.04 Review and Recommendation**

The Plan Commission may recommend for approval of said plans after considering the following:

1. That proposed use(s) conform to the use(s) permitted in that zoning district.

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2. That the dimensional arrangement of buildings and structures conform to the required area, yard, setbacks, and height restrictions and other standards set forth in this Ordinance.
3. That there is a proper relationship between the existing and proposed streets and highways within the vicinity of the project in order to assure the safety and convenience of pedestrian and vehicular traffic.
4. That proposed buildings, structures and entryways are situated and designed to minimize adverse effect upon the owners and occupants of the adjacent and surrounding properties by providing for adequate design of the ingress/egress, interior/exterior traffic flow, storm water drainage, erosion, grading, lighting, parking and other standards set forth in this Ordinance.
5. Natural features of the landscape are retained where they can enhance the development of the site, where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes, or where they assist in preserving the general safety, health, welfare and appearance of the Town.
6. Adverse effects of the proposed development and activities upon adjoining and surrounding properties by appropriate screening, fencing, or landscaping.
7. Land, buildings and structures are readily accessible to emergency vehicles and handicapped persons (when applicable).
8. The site plan is consistent with the public goals, objectives, principles, standards and policies set forth in the Town's adopted land use plan or components thereof.
9. The site plan is consistent with the intent and purpose of this Ordinance to promote the public health, safety, and general welfare, to encourage the use of the land in accordance with its character and adaptability, to avoid the overcrowding of population, to lessen congestion on public roads and streets, to reduce hazards to life and property, and to facilitate existing plans.

## **Section 4.00 Fees, Penalties, and Violations**

### **4.01 Fees**

All persons, firms, or corporations performing work which, by this Ordinance, requires the issuance of a permit, review of plans, or Public Hearing shall pay a fee for such permit or hearing to the Town to help defray the cost of administration, investigation, advertising, and processing of such actions. All fees shall be established by a separate resolution of the Town Board and amended from time to time as deemed appropriate. Fee schedules are available from the Town Clerk.

1. Fee Required: No public hearing shall be held, no plans reviewed, and no permit shall be granted or issued until all fees required under this ordinance have been paid.
2. Permit Fees: A fee shall be required for the following permits:
  - a. Industrial/Commercial Building Permit.
  - b. Residential Building Permit.
  - c. Conditional Use Permit.
  - d. Occupancy Permit.
  - e. Sign Permit.
  - f. Culvert/driveway permit
3. Zoning Ordinance Amendments: A fee may also be required for a zoning text or map amendment and a zoning appeal or variance.
4. Third Party Consultant Fees: In the event that the Town determines that it is necessary to consult with a third party, such as planner, attorney, or engineer, in review and considering the application, all reasonable costs and expenses associated with such consultation may be charged to the applicant.
5. Public Hearing: A fee shall be required for all public hearings.

### **4.02 Double Fee**

A double fee may be charged by the Town if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance.

### **4.03 Violations**

It shall be unlawful to create a land division, construct or use any structure, sign, land, or water in violation of any of the provisions of this Ordinance. Failure to secure the necessary permits prior to commencing construction shall also constitute a violation. In case of any violation, the Town Board, the Building Inspector, the Town Plan Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceed to enjoin a violation of this Ordinance. Any person, firm, company, corporation, owner occupant, or other user of the premises, who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any provisions of this Ordinance shall be subject to a forfeiture. Each day that a violation is permitted to exist shall constitute a separate offense.

No person shall build upon, divide, convey, record or monument any land in violation of this Ordinance or the Wisconsin State Statutes, and no person shall be issued a permit authorizing the building upon or improvement of any subdivision or re-plat, within the jurisdiction of the Ordinance, not of record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance are fully met.

#### **4.04 Penalties**

##### **1. Penalties**

- a. Any person, firm, or cooperation who fails to comply with the provisions of this Ordinance or order of the Town shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$200.00 and cost of prosecution for each violation, and in default of such forfeitures and costs, may be imprisoned in the County jail until payment thereof, but not to exceed thirty (30) days.
- b. Any permit issued in conflict with the provisions of this Ordinance is invalid.

##### **2. Promulgated Correction of Violation:** In addition to any other penalty imposed by this Subchapter for a violation of the provisions of this Chapter, the Town reserves and maintains the continued right to abate violations of this Chapter.

- a. Hazardous Condition Caused by Violation of this Ordinance: If the Building Inspector determines that a violation of this Ordinance exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, or peace, the Building Inspector shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred. The Building Inspector is hereby authorized to abate a violation of this Chapter.
- b. Non-Hazardous Condition Caused by Violation of this Ordinance: If the Building Inspector determines that a violation of this Ordinance exists, and further determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace and decency, the Building Inspector shall serve written notice by registered mail on the current owner of the property (as indicated by current tax records) on which said violation is occurring to remove said violation within ten working days. If such violation is not removed within such ten working days, the Building Inspector shall cause the violation to be abated per Subsection (a), above. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Subsection (c), below.
- c. Cost of Abatement: In addition to any other penalty imposed by this Subsection for a violation of the provisions of this Ordinance, the cost of abating a violation of this Ordinance shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the Town to abate the violation shall be kept and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by registered mail, and shall be payable within thirty (30) calendar days from the receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Town Clerk shall enter such charges onto the tax roll as a special tax.

#### **4.05 Remedial Action**

Whenever an order of the Building Inspector has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident, agent, or occupant of the premises, the Town Board, Building Inspector, or the Town Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water.



## **Section 5.00 Amendments of Zoning Ordinance**

### **5.01 Amendment of Zoning Regulations**

This Section is to provide the procedure and requirements for the review and approval, or denial, of proposed amendments to the text or Official Zoning Map provisions of this Ordinance. (Refer to the requirements of Wisconsin Statutes 62.23(7)(d)). The Plan Commission shall review and recommend changes to the Town Board for final action.

The boundaries of the zoning districts are hereby established as shown on a map entitled “Zoning District Map, Town of Wilson, Sheboygan County, Wisconsin”, which consists as a wall map located at the Town of Wilson Office. Boundaries shall be construed to follow: corporate limits; U.S. Public Land survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way, or such lines extended; and lines identifying boundaries of natural resource areas as shown by changes in vegetation, slope and other natural resource base features; unless otherwise noted on the Zoning Map. All notations, references and other information shown upon the said Zoning Map shall be as much a part of this Ordinance as if the matter and things set forth by the said Map were fully described herein.

### **5.02 Initiation of Request for Amendment to this Ordinance**

Proceedings for amendment of this Ordinance may be initiated by any one of the following three methods:

1. An application by any citizen;
2. A recommendation of the Town staff or Plan Commission; or
3. By action of the Town Board.

### **5.03 Zoning Text Amendment Application**

All applications for proposed text amendments to this Ordinance shall be made to the Town Clerk. The complete application shall be comprised of all of the following:

1. Existing Ordinance Text: A copy of the portion of the current provisions, which are proposed to be amended, with said provisions;
2. Proposed Ordinance Text: A copy of the text, which is proposed to replace the current text;
3. Written Justifications: As an additional requirement, the applicant shall provide written justification for the proposed text amendment, consisting of the reasons why the applicant believes the proposed text amendment is in harmony with the Town of Wilson Land Use Plan and the purposes of this Ordinance.

### **5.04 Review of Text Amendments by the Plan Commission**

The proposed text amendment shall be reviewed by the Plan Commission, considering:

1. Does the proposed text amendment further the purposes of this Ordinance?
2. Which of the following factors are not properly addressed in the current zoning text?
  - a. Conformity with the Town of Wilson Land Use Plan;
  - b. The land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s);
  - c. New methods of development or providing infrastructure;

- d. Changing governmental finances, in terms of providing and affording public services.
3. How does the proposed amendment affect the desired overall consistency of land use, land use intensities, and land use impacts within the pertinent zoning districts?
4. Do the potential public benefits of the proposed text amendment outweigh any and all potential adverse impacts of the proposed text amendment, after taking into consideration the proposal by the applicant?

#### **5.05 Amendment to Official Zoning Map Application**

All applications for amendments to the Official Zoning Map shall be made to the Town Clerk. The complete application shall be comprised of all of the following:

1. Map of Property:

A map of the subject property showing all lands for which the zoning is proposed to be amended, and all other lands within three hundred (300) feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current tax records of the Town of Wilson. The map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s), which maintains that control. The map shall be at a scale, which is not less than one inch equals eight hundred (800) feet. All lot dimensions of the subject property, graphics scale, and a north arrow shall be provided.

2. Location Map:

A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Town as a whole.

3. Written Justifications:

The applicant shall provide written justification for the proposed text amendment, consisting of the reasons why the applicant believes the proposed Official Map amendment is in harmony with the recommendation of the *Town of Wilson Land Use Plan* and the purpose of this Ordinance.

#### **5.06 Review of Changes to the Official Zoning Map by the Plan Commission**

The proposed amendment of the Official Zoning Map shall be reviewed by the Plan Commission considering:

1. How does the proposed Official Zoning Map amendment further the purposes of this Ordinance as outlined in Section 1.00 and other applicable County, State, and Federal regulations?
2. Which of the following factors are not properly addressed on the current Official Zoning Map?
  - a. Conformity with the Town of Wilson Land Use Plan;
  - b. A mistake in mapping on the Official Zoning Map. (That is, an area is developing in a manner and purpose different from that for which it is mapped.) NOTE: If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the Town may intend to stop an undesirable land use pattern from spreading;
  - c. Changing Conditions, (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning

- changes), making the subject property more appropriate for a different zoning district;
- d. Growth patterns or rates have changed, thereby creating the need for an Amendment to the Official Zoning Map.
3. How does the proposed amendment to the Official Zoning Map maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?
  4. Does the proposed text amendment further the purposes of this Ordinance?
  5. Which of the following factors have arisen that are not properly addressed in the current zoning text?
    - a. The provisions of this Ordinance should be brought into conformity with the Land Use Plan;
    - b. A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s);
    - c. New methods of development or providing infrastructure;
    - d. Changing governmental finances require amending this Chapter in order to meet the needs of the government in terms of providing and affording public services.
  6. How does the proposed amendment maintain the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts?

#### **5.07 Plan Commission Recommendation**

1. Recommendation:

The Plan Commission shall forward the report and final recommendation to Town Board. The Plan Commission shall state in the minutes or in the subsequently issued written report to the Town Board, its conclusion and any finding of facts supporting its conclusion.

2. Failure to Report:

If the Plan Commission fails to make a report within sixty (60) days after the filing of complete application, then the Town Board shall hold a public hearing within thirty (30) days after the expiration of the sixty-day (60) period. Failure to receive said written report from the Plan Commission should not invalidate the proceedings or actions of the Town Board.

#### **5.08 Public Hearing**

Public Meeting Notice:

The Plan Commission shall, after publishing a Class II notice, hold a public hearing upon each petition, listing the time, place, and the changes or amendments posed. The Plan Commission shall also give at least twenty (20) days prior written notice to the clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment. After the public hearing, the Plan Commission shall make a recommendation to the Town Board prior to the Town Board action.

#### **5.09 Review and Action by Town Board**

Following the hearing and after careful consideration of the Plan Commission's recommendation, if any, the Town Board shall vote on the passage of the proposed

changes or amendments. The Town Board may request further information and/or additional reports from the Plan Commission and/or the applicant before voting on the proposed changes.

**5.10 Amendment Protests**

In the event of a protest against a proposed change or amendment, duly signed and acknowledged by the owners of twenty (20) percent or more either of the areas of the land included in such proposed change or by the owners of twenty (20) percent of more of the land immediately adjacent extending one-hundred (100) feet, or by the owners of twenty (20) percent of more of the land directly opposite thereto extending one-hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the members of the Town Board voting on such proposal change.

**5.11 Change from A-1 Agriculture District**

1. No change in the A-1 Agricultural District shall be recommended unless the Plan Commission finds that:
  - a. Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.
  - b. The land proposed for rezoning is suitable for development, in terms of soil characteristics and parcel configuration, and development will not result in undue water and air pollution, cause unreasonable soil erosion, or have an unreasonably adverse effect on rare or irreplaceable natural resources.
2. The Town Board shall notify the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) of any change in the A-1 Agricultural District.

**5.12 Fees**

A fee shall be required for the public hearing. The fee shall be waived when the Town Board or Plan Commission initiates action.

## **Section 6.00 Permits**

### **6.01 Permits**

No building or any part thereof shall hereafter be erected or ground broken for the same, nor shall any person, build, alter, repair or maintain any structure in the Town of Wilson without first obtaining a permit, by the owner or his authorized agent from the Building Inspector. This shall include any building or structure, and any enlargement, alteration, heating or ventilating installation, moving or demolition, or any alterations affecting the fire hazards or safety of any building or structure.

1. Permit Required:
  - a. Industrial/Commercial Building Permit - See Section 6.03 below
  - b. Residential Building Permit - Section 6.04 below
  - c. Swimming Pool Permit - Section 6.06 below
  - d. Sign Permit - See Section 29.00
  - e. Conditional Use Permit - See Section 8.00
  - f. Occupancy Permit - See Section 6.08 below
2. Permit Expired: A permit shall be automatically revoked if the project set forth in the permit is not completed in one (1) year from date of issuance of the permit and no renewal has been requested. Building permits are renewable for one (1) additional year for an additional fee determined by the board.
3. Permit Revoked: A permit may be revoked if a project is not in compliance with its permit.

### **6.02 Other Permits**

It is the responsibility of the permit applicant to secure all other necessary permits required by any federal, state, or local agency.

### **6.03 Industrial/Commercial Building Permit**

1. Industrial/Commercial Building Permit:

Required for any industrial or commercial use. No vacant land shall be developed or used and no building shall be erected or structurally altered, relocated, or used until the Building Inspector has issued a building permit, only after approval is granted from the Plan Commission and the Town Board. State approved plans are required.
2. Application:

Application(s) for a building permit shall be made in duplicate to the Building Inspector. Application will be made on forms furnished by the Town. Form must be filled out completely and be accompanied by all the required information, drawings and plans specified in Section 7.03 of this Ordinance.
3. Review and Approval:

The Plan Commission shall review the application for any commercial or industrial building permit for its completeness and conformation with this Ordinance. The Plan Commission shall then make a recommendation to the Town Board. Upon the decision of the Town Board, the building permit shall be granted or denied in writing by the Town Building Inspector within sixty (60) days of the first consideration by the Plan Commission. The permit shall be good for one (1) year and may be extended only upon application, payment of permit fees, and personal appearance, with plans for completion, before the Town Plan Commission.

**6.04 Residential Building Permits**

1. A Residential Building Permit Required:

In all zoning districts no residential building shall be erected or structurally altered, relocated, or used until a building permit has been issued by the Building Inspector or through the Town Office.

2. Application:

Applications for a building permit shall be made in duplicate to the Building Inspector. Application will be made on forms furnished by the Town and shall include the following, where applicable:

- a. Name and address of the applicant, owner of the site, architect, professional engineer, or contractor.
- b. Complete and accurate legal description of the subject site; type of structure; and the zoning district within which the subject site lies.
- c. Plat of survey prepared by a registered land surveyor or, if approved by the Town Building Inspector, a sketch at a scale of no less than one (1) inch equals forty (40) feet showing the location, boundaries, dimensions, elevations, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, and driveways; existing highway access restrictions; existing and proposed street, side and rear yard. In addition, the Building Inspector or the Plan Commission may require that the plat of survey show the location, elevation and use of any abutting lands and their structures within one hundred fifty (150) feet of the subject premises; the mean and high water line; the type, slope, degree of erosion and boundaries of soil as shown on the operational soil survey maps prepared by the U S Soil Conservation Service, wetlands, and County Zoning Districts.
- d. Proposed sewage disposal plan, if municipal sewers are not available. This plan shall include a copy of the permit issued by the Sheboygan County Planning and Resources Department for the installation of a private on-site waste treatment system, or other approved means of waste disposal.
- e. Proposed water supply plan, if municipal water service is not available. This plan shall be in accordance with Section NR-112 of the Wisconsin Administrative Code and shall be approved by the Building Inspector.
- f. Detailed Plans and Specifications.
- g. Additional information may be required by the Town Plan Commission, Town Board, Building, Electrical or Plumbing Inspectors.

3. Review and Approval:

The Building Inspector shall review the building permit for its completeness and conformation with the ordinance. The building permit shall be granted or denied in writing by the Building Inspector within sixty (60) days. The permit shall be good for one (1) year and may be extended upon application with plans for completion, to the Building Inspector.

**6.05 Sign Permits**

No person shall erect, alter, or relocate, within the Town of Wilson, any type of sign without first obtaining a sign permit. (Refer to Sign Ordinance Section 29.00)

**6.06 Swimming Pool Permit**

No swimming pool shall be allowed in any zoning district unless it complies with the conditions and requirements of this section.

1. Permit Required:  
No swimming pool shall be constructed, altered, remodeled, or improved unless a permit has first been obtained from the Town of Wilson Building Inspector.
2. Plans and Specifications:  
Plans and specifications shall be submitted with the application for a swimming pool permit, and shall include the proposed location of the swimming pool on the tract of land in relation to buildings and property lines, and the proposed location and dimensions of all fencing to be constructed around the pool.
3. Principal Use:  
The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
4. Walkway:  
In-ground swimming pools shall be completely surrounded by a walkway at least three (3) feet in width and sloping away from the pool for drainage.
5. Fencing:  
The swimming pool or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children or trespassers from the street or from adjacent properties, and shall comply with the following minimum height requirements:
  - a. All in-ground swimming pools shall be completely surrounded by a fence or wall not less than four (4) feet in height which is kept gated and locked.
  - b. All above-ground swimming pools with a sidewall height above surrounding grade of less than four (4) feet must be protected by an extended effective sidewall or fence of at least four (4) feet, or by some other means of enclosure, such as a prefabricated dome provided by the pool manufacturer.
  - c. The provisions of the *Consumer Product Safety Commission, Safety Barrier Guidelines for Home Pools*, shall be a part of this section, and shall have the force and effect as though fully set forth herein.

#### **6.07 Conditional Use Permit**

The Plan Commission may recommend to the Town Board, the authorization of a conditional use permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this Ordinance and are found to be not hazardous, harmful, offensive, See Section 8.00.

#### **6.08 Occupancy Permit**

1. Occupancy  
No building hereafter erected, altered or moved shall be occupied until the Building Inspector has issued a Certificate of Occupancy. Such certificate shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this Ordinance. Such permit shall be issued only when the building or premises and the proposed use thereof conform to all the requirements of this Ordinance.
2. Request for Occupancy Permit  
Upon written application from the owner, the Building Inspector shall review the property and if found to conform to this Ordinance issue an Occupancy Permit.

## **Section 7.00 Site Plan Review**

### **7.01 Purpose**

The purpose of this section is to set forth standards for the review for all conditional use permits, and commercial and industrial site plans prior to issuing a building permit.

### **7.02 Site Plan Review**

The Plan Commission can recommend Town Board approval of said site plans only after determining that:

1. The proposed use(s) conform(s) to the uses permitted in that zoning district.
2. The dimensional arrangement of buildings and structures conform to the required area, yard, setback, and height restrictions of this Ordinance.
3. The proposed use conforms to all use and design provisions and requirements (if any) as found in this Ordinance for the specified uses.
4. The relationship between the existing and proposed streets and highways within the vicinity of the project in order to assure the safety and convenience of pedestrian and vehicular traffic.
5. The proposed buildings, structures, and entryways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties. This is done by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm water drainage, erosion, grading, lighting, and parking, as specified by this Ordinance or any other codes or laws.
6. Natural features of the landscape are retained where they can enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health, welfare, and appearance of the neighborhood.
7. Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by appropriate screening, fencing, or landscaping, as provided or required in this Chapter.
8. Land, buildings, and structures are readily accessible to emergency vehicles and the handicapped (when applicable).
9. The site plan is consistent with the intent and purpose of this Ordinance.
10. The site plan is consistent with the public goals, objectives, principles, standards, policies, and urban design criteria set forth in the Town's *Land Use Plan* or components thereof.

### **7.03 Plans and Written Submittals**

The following is a description of the plans, documents, and written submittals required for Commercial and Industrial permits, Conditional Use permits, and any other permit application as deemed necessary by the Plan Commission.

1. **Written Use Description:** Description of the intended use, in reasonable detail, it may include, but is not limited to the following:
  - a. **Zoning:** Existing zoning district(s) (and proposed zoning district(s) if different);
  - b. **Land Use Plan Designation:** The designated type of used shown for the site on the *Town Land Use Plan Map*;
  - c. **Current Land Uses** present on the subject property;
  - d. **Proposed Land Uses** for the subject property;
  - e. **Projected Use:** Projected number of residents, employees, and daily visitors;



- f. Proposed Development: The amount of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density floor area ratio, impervious surface area ratio, and landscape surface area ratio;
  - g. Operations: The operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation;
  - h. Operational Considerations: Relating to potential nuisance creation pertaining to noncompliance with the performance standards addressed in this Ordinance, including, street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials;
  - i. Building Material: The exterior building and fencing materials;
  - j. Expansion: Any possible future expansion and related implications;
  - k. Other Information: Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.
2. Location Map:  
A map of the subject property showing all lands for which the use is proposed, and all other lands within three hundred (300) feet of the boundaries of the subject property. The location map shall clearly indicate the current zoning of the subject property and adjacent properties. Show any other jurisdiction(s), which maintains control over the property. The location map shall be at a scale that is appropriate. An 11" x 17" map showing the subject property and illustrating its relationship to the nearest street intersection is required.
3. Conceptual or Sketch Plan:  
A sketch plan or concept plan can be a freehand diagram over the property map showing loose and sketchy the general proposed development pattern for the site. Label the major features.
4. Scale Site Plan:  
A site plan of the subject property as proposed for development. This plan is required for all commercial and industrial permit applications. All lot dimensions of the subject property. Submit at scale (and reduction at 11" x 17"), which includes:
- a. A title block which indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for project;
  - b. The date of the original plan and the latest date of revision to the plan;
  - c. A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals one hundred (100) feet;
  - d. A legal description of the subject property;
  - e. Property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
  - f. Existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;
  - g. Required building setback lines;
  - h. Existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;

- i. The location and dimension of all access points onto public streets;
  - j. The location and dimension of all on-site parking (and off-site parking provision if they are to be employed), including a summary of the number of parking stall provided versus the number required by this Ordinance;
  - k. The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas;
  - l. The location of all outdoor storage areas and screening devices;
  - m. The location, type, height, size and lighting of all signage on the subject property;
  - n. The location, height, design/type, illumination power and orientation of exterior lighting on the subject property;
  - o. The location and type of any permanently protected green space areas;
  - p. The location of existing and proposed drainage facilities;
  - q. In the legend, data for the subject property:
    1. Lot Area;
    2. Floor Area;
    3. Floor Area Ratio;
    4. Impervious Surface Area;
    5. Impervious Surface Ratio to Site; and
    6. Building Height.
5. Detailed Landscape Plan:  
A detailed landscape plan must be submitted, at the same scale as the site plan (and reduction at 11" x 17"), showing the location of all required buffer yards and landscaping areas, and existing and proposed landscape point fencing and berm options for meeting said requirements. The landscaping plan shall demonstrate complete compliance with the requirements of this Ordinance:
- a. The individual plant locations, species, and size shall be shown.
  - b. Screening such as: fencing types and berms heights shall be shown by size and height.
6. Grading Plan:  
A detailed grading plan must be submitted, the same scale as the site plan (include a reduction at 11" x 17") showing existing and proposed grades, including retaining walls and related devices, and erosion control measures. It will include:
- a. Existing and proposed contours at a minimum of two (2) foot contours.
  - b. Existing and proposed spot elevations at corners of structures and significant changes in grade.
  - c. Flow lines of all drainage ways.
7. Elevation Drawings:  
Side views of proposed buildings, structures, or proposed remodeling of existing buildings showing finished exterior treatment shall also be submitted, with adequate labels provided to clearly depict exterior materials, texture, color and overall appearance. Perspective renderings of the proposed project and/or photo of similar structures may be submitted, but not in lieu of adequate drawing showing the actual intended appearance of the buildings.
8. Storm/Surface Water and Erosion Control Plans:
- a. Site Location Map.
    1. Topographic Map at a scale of 1" = 200' or larger.
      - A. Show existing elevations at contour intervals of two (2) feet.
      - B. Extend topographic information 100 feet beyond property lines.

- C. Extend information a sufficient distance downstream on all drainage courses and easements to determine the adequacy of all proposed outlets on immediate downstream areas.
  - D. Show proposed elevations at contour intervals of two (2) feet. If the applicant is not to be responsible for final grading of each lot, his application need not show proposed final grades within such lots.
  - E. Acreage of individual lots or parcels.
  - F. Arrows indicating direction of flow for runoff along roads, ditches, and easements.
- 2. Vicinity Map showing watershed boundary and physical features.
  - 3. Soils information.
    - A. A soil map of the area from the Soil Survey of Sheboygan County.
    - B. Location of soils with moderate to very severe limitations for residential uses as indicated in the Soil Survey.  
(i.e.: subject to occasional flooding, temporary high water table, etc.)
    - C. Design proposals to overcome the soil limitations.
- b. Hydrologic Information
    - 1. Calculate total area of watershed and sub-watershed in acres (including off-site areas).
    - 2. Soil types and hydrologic soil groups.
    - 3. Average slope of the land within the watershed.
    - 4. Runoff volume.
    - 5. All calculations (completed by a licensed WI professional) and documentation of values and adjustment factors used.
  - c. Proposed Waterways, Drainage Easements, and Road Ditches.
    - 1. Design discharge in cubic feet per second (cfs).
    - 2. Profiles and typical cross sections for all easements, waterways, and road ditches.
    - 3. Size, location and capacity of culverts.
    - 4. Design velocity in cubic feet per second.

## **Section 8.00 Conditional Uses**

### **8.01 Purpose**

Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and recommendation by the Town Plan Commission to the Town Board for final approval. The purpose of this section is to provide regulations that govern the procedure and requirements for the review, and approval or denial of proposed conditional uses.

Conditional Uses are uses of a special nature so as to make impractical their predetermination as a Principle Use in a district. Conditional Uses are limited to those as defined in this Ordinance. Certain uses, which are of such a special nature, or are so dependent upon circumstances as to make impractical predetermination of permissibility, may be permitted as conditional uses when deemed appropriate by the Plan Commission and Town Board as set forth in this section.

### **8.02 Public and Semipublic Uses**

The following public and semipublic uses shall be Conditional Uses and may be a permitted use only if so specified in such zoning district.

1. Airports: Airports, airstrips, and landing fields in the I-1 Industrial District, and A-1 Agricultural District, provided the site is not less than twenty (20) acres in area. Airstrips, and landing fields shall be governmentally owned and operated, or used for farm related operations.
2. Governmental Sites: Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums in any district.
3. Public Transportation: Public passenger transportation terminals such as heliports and bus and rail depots, but excluding airports, airstrips, and landing fields, in the Commercial Districts and Industrial Districts provided that all principal structures and uses are not less than one hundred (100) feet from any residential district boundary.
4. Institutions: Public, parochial, and private elementary and secondary schools, colleges; universities; hospitals; sanitariums; religious, charitable, penal, and correctional institutions; cemeteries and crematories and churches in Agricultural Districts and Commercial Districts provided that all principal structures and uses are not less than fifty (50) feet from any lot line, unless otherwise stated in a zoning district.
5. Adult-Oriented Entertainment Businesses: Adult-oriented entertainment businesses in the I-1 Light Industrial District and I-2 General District, subject to 8.071 below.

### **8.03 Mineral Extraction**

Mineral extraction operations including washing, crushing, or other processing of natural resources are Conditional Uses and may be permitted in the Industrial Districts provided:

1. The application for the Conditional Use permit shall include an adequate description of the operation (operations plan); a list of equipment, machinery, and structures to be used; a topographic map of the site showing existing contours with minimum vertical contour interval of five (5) feet, trees, proposed and existing, proposed excavations, and a restoration plan.

2. The restoration plan provided by the applicant shall contain proposed contours after filling, depth of the restored topsoil, and type of fill, planting or reforestation, and restoration commencement and completion dates. The applicant shall furnish the necessary fees to provide for the Town's inspection and administrative costs and the necessary sureties, which will enable the Town to perform the planned restoration of the site in the event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by the Town. The Town shall approve the type of sureties.
3. The Town Plan Commission shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character, and land value of the locality and shall also consider the practicality of the proposed restoration of the site.
4. Lot and Side Yard
  - a. Lot shall be a minimum of fifty (50) acres.
  - b. The minimum street yard (setback) shall be one hundred fifty (150) feet from an existing or planned public street right-of-way.
  - c. There shall be side yards and rear yards of not less than one hundred and fifty (150) feet on a side. The side yard and rear yard shall be planted with a double row of trees at not less than forty (40) feet on-center. The side yard and rear yard shall have a planted berm not less than fifteen (15) feet high.
5. Public Safety
  - a. Noise: The maximum level of noise permitted to be generated by mineral extraction operation shall be eighty five (85) decibels, as measured on the dB(A) scale, measured at the lot line.
  - b. Fence Required: All mineral extraction operations shall be surrounded by a security fence not less than eight (8) feet in height.
6. Building Height: No building, parts of a building, or equipment shall exceed thirty-five (35) feet in height.
7. Water: The washing of sand and gravel shall be prohibited in any operation where the quantity of water required will seriously affect the supply of other uses in the area, or where disposal of the water will seriously affect the supply of uses in the area, or will result in contamination, pollution, or excessive salutation.

#### **8.04 Energy Conservation Uses**

The following uses are Conditional Uses in Agricultural and Industrial Districts:

1. Wind energy conversion systems, which are used to produce electrical power, provided that the following standards are complied with:
  - a. Application: Applications for the erection of a wind energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one premise, the plat of survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system, and provide assurances as to the safety features of the system.
  - b. Construction: Wind energy conversion systems shall be constructed and anchored in such a manner as to withstand wind load pressure dictated by existing regulations and industry standards.

- c. Noise: The maximum level of noise permitted to be generated by a wind energy conversion system shall be eighty-five (85) decibels, as measured on the dB(A) scale, measured at the lot line.
  - d. Electro-magnetic interference: Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a Conditional Use permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
  - e. Location and height: Wind energy conversion systems shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems are exempt from the height requirements of this Ordinance, however, all such systems over one hundred (100) feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FM restrictions. A copy of any FAA restrictions imposed shall be included as a part of the wind energy conversion system Conditional Use permit application.
  - f. Fence required: All wind energy conversion systems shall be surrounded by a security fence not less than eight (8) feet in height. A sign shall be posted on the fence warning of high voltage.
  - g. Utility company notification: The appropriate electric power company shall be notified, in writing, of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a Conditional Use permit.
2. Solar energy conversion systems used to produce electrical power or supplement heating systems, provided that the following standards are complied with:
- a. Application: Applications for the erection of a solar energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the conversion system and the means by which the energy will be provided to the structure or structures. The application shall include calculations showing that the structure is constructed to withstand any additional loading placed upon the structure by the installation of the solar energy conversion system. Copies of any solar access easements or agreements obtained by the applicant shall also be provided to the Town.
  - b. Construction: Solar energy conversion systems shall be constructed and installed in conformance with all applicable state and local building codes.
  - c. Location and height: Solar energy conversion systems shall meet all setback and yard requirements for the district in which they are located. Solar energy conversion systems shall conform to all height requirements of this Ordinance unless otherwise provided in the Conditional Use permit issued pursuant to this section.

#### **8.05 Planned Unit Development (PUD)**

Residential or Commercial Planned Unit Developments may be permitted in R-3 Residence and Highway Commercial districts as a Conditional Use after review and recommendation of the Plan Commission and approval by the Town Board.

1. Waive District Standards: The District standards and requirements may be modified by the Town Board upon recommendation of the Plan Commission in the case of a plan and program for a Planned Unit Development, which in the judgment of the Town provides adequate public spaces and improvements for circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also assures conformity with the purpose of the zoning regulations of the Town.
2. Plan Unit Development Approval Process: The PUD shall be conditional uses, and will follow the Conditional Use application and approval process. The application should include at a minimum:
  - a. Conditional Use Application
  - b. Preliminary Plan
  - c. Developers Agreement
  - d. Conditional Use Description
3. Standards:

The following regulations shall apply:

  - a. Spacing and Orientation of Building Groups. Exterior walls of neighboring buildings in some cases may be permitted to be attached. Where opposite walls do not touch, their distances must permit adequate space for light and air and do not compromise the health, safety and welfare of the occupants.
  - b. Emergency Access: A building group shall not be so arranged that any permanently or temporarily occupied building is inaccessible to emergency vehicles.
  - c. Circulation: There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space. There shall be an adequate amount, in a suitable location, of pedestrian walks, malls and landscaped spaces, to prevent pedestrian use of vehicular ways and parking spaces and to separate pedestrian walks, malls and public transportation loading places from general vehicular circulation facilities.
  - d. Density: In Residential Districts density may be increased over the underlying District standards.

#### **8.06 Mobile Home Parks**

Mobile Home Parks may be permitted in the R-3 District as a conditional use and shall conform to the following standards:

1. Minimum parcel size: Ten (10) acres.
2. Minimum density: Six (6) units per acre.
3. Minimum setback between mobile home and side and rear yard lot lines: Ten (10) feet.
4. Minimum front yard set back: Fifteen (15) feet.
5. Water and sewer: Each mobile home lot shall be connected to either public or private water supply and sewage disposal systems, in accordance with the *Wisconsin Administrative Code*, approved by the Division of Health and Department of Natural Resources.
6. Solid Wastes: Each mobile home lot shall have adequate garbage and refuse disposal service.
7. Recreation Area: At least five (5%) percent of the total area of each park shall be designated as a recreation area with play equipment furnished and maintained by the park owner.

8. Roads and Parking: All roadways, parking areas, and walkways shall be hard-surfaced with bituminous, concrete or equal materials. Roadways shall be paved a minimum of twenty (20) feet in width and adequately lighted. There shall be one (1) off street parking space for each mobile home and additional parking spaces for automobiles within the park, totaling not less than two (2) parking spaces for each mobile home lot.
9. No Business: No business or commercial use shall be located on the mobile home park site. However, laundries, washrooms, recreation rooms, maintenance equipment storage and one office on the site are permitted.

### **8.07 Campgrounds**

All Campgrounds shall be conditional uses, and shall conform to the following standards:

1. The minimum size of any campground shall be forty (40) acres in gross area.
2. The maximum number of travel trailers or campsites shall be twenty (20) per acre as computed from the gross area of the park or campgrounds, and in no case shall the square feet of each site be less than two thousand (2,000) square feet.
3. Before beginning operation of any camp, fifty percent (50%) of the sites and one hundred percent (100%) of the facilities shall be completed.
4. In addition to the setback from the right-of-way of any state, county, or town road, all campgrounds shall have a boundary zone of forty (40) feet between any campsite and any side or rear lot line.
5. The minimum width of roads within campgrounds shall be thirty (30) feet.
6. All access roads to and from the campgrounds shall be well lighted and hard-surfaced with bituminous, concrete or equal materials.
7. Every campground shall conform to all applicable state laws and Division of Health Code of the State of Wisconsin.
8. Designated spots on each site will be marked or constructed for outside cooking or the building of campfires, and no fires will be allowed outside of these designated areas.

### **8.071 Adult-Oriented Entertainment Businesses.**

All Adult-Oriented Entertainment Businesses shall be conditional uses and shall conform to the following minimum standards, subject to additional standards that may be required in individual cases by the Town Board. It is not the intent of the Town of Wilson to impose limitations on the First Amendment rights of any person, and the Town of Wilson recognizes that public nudity is no per se illegal. The purpose of this Section is to enact reasonable controls through zoning regulations on certain adult-oriented entertainment uses that have a high potential for causing detrimental effects on the character and well-being of the Town's residential neighborhoods and commercial areas.

#### **(a) Definitions**

- 1) Adult Oriented Entertainment Business. A business that emphasizes matters depicting, describing, or relating to nudity, sexual contact, sexual excitement or sadomasochistic abuse as defined herein, including but not limited to businesses commonly known as: adult bookstore, adult theater, adult massage parlor, adult sauna, adult entertainment center, adult cabaret, adult steam room/bathhouse facility, gentlemen's club, or strip club.
- 2) Nudity. The showing of the human male or female genitals or public area with less than a fully opaque covering or the depiction of covered male genitals in a discernibly turgid state and/or the appearance of bare buttocks, anus, or female breast.



- 3) Sexual Conduct. Acts of masturbation, sexual intercourse, or physical contact with a person's clothes or unclothed genitals, public area, buttocks, or, if such person be a female, her breast.
  - 4) Sexual Excitement. The condition of human male or female genitals when in a state of sexual stimulation or arousal.
  - 5) Sadoomasochistic Abuse. The getting of sexual pleasure from dominating, mistreating, or hurting one's partner; the getting of pleasure from inflicting physical or psychological pain on another or others; the getting of sexual pleasure from being dominated, mistreated, or hurt physically or otherwise by one's partner; or the getting of pleasure from suffering physical or psychological pain, inflicted by others or by oneself.
- (b) Applicability. This Section shall apply to all existing and future adult-entertainment oriented businesses. However, any such existing business that does not meet the zoning district restrictions, the distance limitations, or any other minimum standard set forth herein, may continue its existence as a non-conforming use; provided, however, that no such business may be enlarged or increased in size or be discontinued for a period of no more than 180 days.
- (c) Distance Limitations. No adult-oriented entertainment business as defined under this Section shall:
- 1) be operated or maintained within 1000 feet of the boundary of any R-1, R-2, R-3 or other Residentially Zoned (R) District; any A-1, A-2, A-3, A-4 or any other Agriculturally Zoned (A) District; any Neighborhood Commercial, Highway Commercial, or other Commercially Zoned District, any C-1 Conservancy District; or any P-1 Park and Recreation District.
  - 2) be operated or maintained within 1000 feet of a church or other place of worship, public park, recreational site open to the public, licensed daycare facility, public library, public or private educational facility which serve persons age seventeen (17) or younger, elementary school, middle school, high school, or long term care/residential health care facility including licensed nursing homes, assisted living facilities, and community-based residential facilities.
  - 3) be operated or maintained so that there is more than one (1) such business in the same building, on the same tax parcel of real estate, or within 2500 feet of each other as measured in a straight line along the shortest distance between the tax parcel boundaries of each such business.
- (d) Sign Limitations. Adult-oriented entertainment businesses shall comply with the requirements of this subsection in addition to the requirements of any other provision of the Municipal Code regulating signs. An adult-oriented entertainment business shall not be permitted more than one (1) sign advertising its business, which shall be an on-premise or building sign only. All such signs shall meet the following criteria:
- 1) The business shall have no merchandise or pictures of the products or entertainment on the premises displayed in window areas or any area where they can be viewed from an adjacent street, sidewalk, or other public area.
  - 2) No sign shall be placed in any window. A one square foot sign may be placed on the door to state hours of operation and admittance to adults only.
  - 3) No sign shall contain any flashing lights, moving elements, or mechanically changing messages.
  - 4) No sign shall contain any depiction of the human form or any part thereof nor shall it contain sexually explicit or sexually suggestive language such as "nude dancing", "adult toys", "XXX fun", "Girls, Girls, Girls", or the like.
  - 5) No such business may have any off-premise sign in the Town.

- 6) If such a business is in legal operation within the Town prior to the date of enactment of this ordinance and has a sign or sign in place for which permits were issued by the Town, such businesses shall bring its signage into conformity with the provisions of this paragraph within one year from the date of enactment of this ordinance.
- (e) Operating Standards. All such adult-oriented entertainment businesses shall operate in accordance with the following:
  - 1) No employee shall solicit business outside the building in which the business is located.
  - 2) No male or female person, while on the premises, shall expose to public view his or her genitals, pubic area, anus, or anal cleft.
  - 3) No person on the premises shall engage in or simulate an act of sadomasochistic abuse, or any form of explicit or suggestive sexual conduct including but not limited to fondling their genitals or the genitals of another.
  - 4) No person on the premises including a customer, employee of the business, or independent contractor engaged by the business might be totally nude while being in direct, personal contact with another person, regardless of whether the other person is fully or partially clothed.
- (f) Exterior Appearance. The exterior of all buildings on the premises of an adult-oriented entertainment business shall meet the following minimum criteria, together with any additional requirements established by the Town Board:
  - 1) All colors shall be earth or neutral tones with primary accent colors to be within the same color family.
  - 2) Stripes, geometric patterns, murals, and graffiti of any type whether intentionally permitted by the owner or otherwise, are prohibited.
  - 3) Detailed plans prepared by a registered architect shall be submitted to the Town Board for review and approval, and shall include samples of materials to be utilized, color chips, or samples, and the detailed design scheme with elevations, rendered in true color. The Town Board may vary the specific requirements of this paragraph after review of the architectural plans in order to harmonize the building's design with a unique recognized architectural style or with other improvements in the nearby area.
  - 4) The exterior shall be adequately maintained in good condition at all times.
- (g) Limited Term of Conditional Use Permit. The Town Board may limit the term of a conditional use permit for an adult-oriented business establishment and require periodic application for renewal of the same, provided that the initial term and each renewal term shall be not less than one year. The Town Board may impose additional requirements at any time as conditions for renewal of a conditional use permit whenever the Board concludes there is a rational basis to do so and finds that the additional requirements are in the public interest.

#### **8.08 Conditional Uses Permit Required**

1. Conditional Use by Ordinance:  
Conditional uses are those listed above.
2. Conditional Use by Special Circumstance:  
It is recognized that there are certain uses, which are of such a special nature, or are so dependent upon circumstances, as to make impractical predetermination as a conditional use.
3. Denial of a Conditional Use:

A proposed conditional use shall be denied unless the applicant can demonstrate, to the satisfaction of the Town, that the proposed conditional use will not create inappropriate or undesirable impacts on nearby properties, the environment, or the community as a whole, as determined by the Plan Commission

4. Standards:

Applicants for conditional use by special circumstance shall meet the site performance standards of Section 24.00 of this Ordinance.

**8.09 Conditional Use Application**

Applications for a conditional use permit shall be made on forms provided by the Town Clerk. All materials, parts, and attachments submitted as part of the application shall be submitted in a form that is clearly reproducible with a photocopier. The application shall contain or have attached thereto the following information:

1. Address:

Name, address, and telephone number of the applicant; location of building, structure, or lot to which or upon which the conditional use will be placed.

2. Applicant:

Name of the owner of the property on which the conditional use will be placed.

3. Location Map:

A map of the subject property showing all lands for which the conditional use is proposed, and all other lands within three hundred (300) feet of the boundaries of the subject property. The location map shall clearly indicate the current zoning of the subject property and adjacent properties. Show any other jurisdiction(s) that maintains control over the property.

4. Adjacent Property Owners:

The names and addresses of the owners of all surrounding lands, as the same appear on the current records of the Register of Deeds of Sheboygan County or Town of Wilson tax records.

5. Conditional Use Description:

A written description of the proposed conditional use.

6. Site Plan:

A site plan of the subject property as proposed for the conditional use. See Section 7.00.

7. Other Required Permits:

Copies of any other permits required and issued for said site.

8. Additional Information:

Additional information may be required by the Plan Commission, such as land topography and slopes, basement and first floor elevations, soil type, boundaries, etc.

9. Elevation Drawing, as required:

If the conditional use requires the alteration of an existing structure or building a new structure, submit proposed structural plans.

10. Justification:

As an optional requirement, the applicant may provide written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the standards set forth in this ordinance.

11. Length of Operation:

An estimate of the length of time that the conditional use will operate on this site.

**8.10 Fees**

A fee shall be charged for the public hearing, as published on the fee schedule. The fee must be paid to the Town Clerk prior to scheduling of the public hearing.

**8.11 Conditional Use Permit Procedure**

1. Pre-application:

A pre-application meeting may be placed on the Plan Commission agenda as a “discussion only” item by notifying the Town Clerk.

2. Plan Commission Review:

The Plan Commission shall review conditional use applications.

3. Consideration:

The Plan Commission will review and consider the conditional use Permit application at the next available meeting. The Plan Commission shall consider the following:

- a. Is the requested conditional use consistent with the *Town of Wilson Land Use Plan* and any other plan, program, or ordinances of the Town?
- b. Does the proposed conditional use result in an undue adverse impact on nearby property or public services, the character of the neighborhood, the environment, traffic, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare?
- c. Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?
- d. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on facilities, utilities or services to the subject property?
- e. Do the potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to alleviate such impacts?
- f. The operation of the conditional use shall not cause more noise, odors, fumes, vibration, or storm water runoff than would occur from the operation of any permitted use.

**8.12 Public Hearing**

1. Public Hearing:

The Plan Commission shall, after publishing a Class II notice, hold a public hearing upon each petition. The Plan Commission shall schedule a public hearing upon receiving a completed application.

2. Preliminary Findings:

Within sixty (60) days after the public hearing (or within an extension of said period requested in writing by the applicant and granted by the Plan Commission), the Plan Commission shall make its preliminary finding. If the Plan Commission makes a favorable preliminary finding of an application, it shall state in the minutes and in its recommendation to the Town Board, its conclusion and any finding of facts supporting its conclusion, giving notice to the holder of the conditional use permit, advising the permit holder of the purpose of the hearing, and giving said permit holder

the opportunity to be heard. At the public hearing, the Plan Commission may decide to recommend the modification, revocation, or reaffirmation of the conditional use then in effect. Following the public hearing, the Town Board may act to modify, revoke, or reaffirm the conditional use permit then in effect.

### **8.13 Plan Commission Action**

The Plan Commission may recommend action on the application at the time of its initial consideration of the written application for a conditional use permit, or may continue the proceedings at its discretion or at the applicant's request. The final decision will be made by the Town Board. The Town Board shall consider the information and recommendation forwarded to it by the Plan Commission. The Plan Commission may recommend approval of the conditional use as:

- a. Originally proposed,
- b. May approve the proposed conditional use with modifications (per the recommendations of, the applicant, Town staff, authorized outside experts, general public, or its own members) or
- c. Deny approval of the proposed conditional use.

The Town Board's approval of the proposed conditional use shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed conditional use.

### **8.14 Conditional Use Permit Issued**

1. Permit Issued:

If the Town Board makes a favorable finding and the application is approved, written notice of approval will be sent to the applicant.

Except for conditional use approvals for temporary uses, a memorandum referring to the permit approval and stating the general purpose of the conditional use, along with a legal description of the subject property, shall be recorded by the applicant with the Sheboygan County Register of Deeds, and shall submit evidence of said recordation to the Town.

2. Effect of Denial:

No application, which has been denied, (either wholly or in part) shall be resubmitted for a period of six (6) months from the date of said order of denial, except on grounds of new evidence or proof of change of factors.

3. Termination of an Approved Conditional Use:

Any conditional use found not to be in compliance with the terms of this Ordinance or the conditions of the permit shall be considered in violation of this Ordinance and shall be subject to all applicable procedures and penalties.

4. Time Limits on the Development of Conditional Use:

The start of construction of any and all conditional uses shall be initiated within 180 days of their approval by the Town and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Plan Commission and Town Board and shall be based upon a showing of acceptable justification (as determined by the Town).

5. Discontinuing an Approved Conditional Use:

Any and all conditional uses that have been discontinued for a period exceeding three hundred sixty five (365) days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.

6. Change of Ownership:

All requirements of the approved conditional use shall be continued regardless of ownership of the subject property. Modification, alteration, or expansion of any conditional use, without approval by the Plan Commission and Town Board, shall be grounds for revocation of said conditional use approval.

**8.15 Modify or Revoke Conditional Use**

All conditional uses are subject to review at any time by the Town Board to determine whether the use is in accord with the terms of the use permit. Upon advance notice and hearing of Plan Commission, the Town Board may determine whether the usage is in accord with the permit and at such time determine whether to amend the conditional use permit or enforce the terms thereof by appropriate legal action to terminate a violation of this Ordinance. The Town Board will review all conditional use permits at their discretion but at least every two (2) years. No hearing needs to be noticed to amend a Conditional Use Permit if done so by the Town Board. The Town Board may modify or revoke conditional use permits, if it finds that the use is not in accord with the terms of the permit, or that there is a violation as set forth in Section 8.15 (5) of this Ordinance.

## **Section 9.00 Non-conforming Uses and Modifications**

### **9.01 Existing Non-Conforming Uses**

The lawful non-conforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance; however:

1. Only that portion of land or water in actual use may be so continued and, with the exception of residential structures in the A-1 Zoning District, the structures may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.
2. With the exception of the residential structures in the A-1 Zoning District, total lifetime structural repairs or alterations shall not exceed fifty percent (50%) of the Town's equalized value of the structure unless it is permanently changed to conform to the provisions of this Ordinance.
3. Substitution of new equipment may be permitted by the Board of Appeals if such equipment will reduce the incompatibility of the non-conforming use with the neighboring uses.

### **9.02 Non-conforming Use Abolishment or Replacement**

If a non-conforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. When a non-conforming use or structure is damaged by fire, explosion, flood, vandalism, or other calamity, to the extent of more than fifty percent (50%) of its equalized value, it shall not be restored except so as to comply with the provisions of this Ordinance.

### **9.03 Existing Non-conforming Structures**

A legally non-conforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the provisions of this Ordinance; however, except for residential structures in the A-1 District, legally non-conforming structures in all other zoning districts shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.

1. Total lifetime structural repairs or alterations shall not exceed fifty percent (50%) of the Town's equalized value of the structure unless it is permanently changed to conform to the use provisions of this Ordinance.
2. Substitution of new equipment may be permitted by the Board of Appeals if such equipment will reduce the incompatibility of the non-conforming use with the neighboring uses.
3. Structures which encroach upon setback and other yard requirements, but which met setback and yard requirements at the time of construction, may be structurally altered provided that they do not create a greater degree of encroachment.

### **9.04 Non-conforming Changes**

Once a non-conforming use or structure has been changed to conform, it shall not revert back to a non-conforming use or structure. Once the Board of Appeals has permitted the substitution of a more restrictive non-conforming use for an existing non-conforming use,

the substituted use shall lose its status as a legally non-conforming use and become subject to all the conditions required by the Board of Appeals.

#### **9.05 Height Modifications**

The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modification shall be in accord with the following:

1. Architectural Projections: Spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this Ordinance.
2. Special Structures: Elevator penthouses, gas tanks, grain elevators, observation towers, scenery lofts, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this Ordinance.
3. Essential Services: Utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Ordinance.
4. Communication Structures: Radio and television transmission and relay towers, aerials, radio and television receiving and transmitting antennas shall not exceed in height their distance from the nearest lot line, unless otherwise regulated by the Town of Wilson Telecommunications Ordinance.
5. Agricultural Structures: Barns, silos, and agricultural windmills, shall not exceed in height their distance from the nearest lot line.
6. Public or Semi-public Facilities: such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.

#### **9.06 Yard Modifications**

The yard requirements stipulated elsewhere in this Ordinance may be modified as follows: Architectural projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard, but such projection shall not exceed two (2) feet.

1. Accessory uses and detached accessory structures are permitted in the rear yard provided that they shall not be closer than ten (10) feet to the principal structure, shall not exceed fifteen (15) feet in height, shall not occupy more than twenty percent (20%) of the rear yard area, and shall not be closer than five (5) feet to any lot line. Accessory structures in yards other than the rear yard shall be required to comply with all the yard requirements for the district in which they are located.
2. Accessory uses and detached accessory structures are permitted in the street yard of lots abutting a lake provided that such use or structure shall be not closer than ten (10) feet to the principal structure; shall not exceed fifteen (15) feet in height; shall not occupy more than twenty (20) percent of the street yard area; shall not be closer than twenty (20) feet to a side lot line; and shall not be closer than fifteen (15) feet from the right-of-way nor fifty (50) feet from the centerline of a public or private road, whichever is greater.
3. Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.

#### **9.07 Front Yard Additions**

Additions in the front yard of existing structures shall not project beyond the average of the existing setbacks on the abutting lots.



**9.08 Corner Lots**

Corner lots shall provide a street yard on each street that the lot abuts. The remaining yards shall be a rear yard behind the main entrance to the structure and one side yard.

**9.09 Shoreland Lots**

Shoreland lots shall provide a street yard on the street abutting the lot, a shore yard on the watercourse abutting the lot, and two (2) side yards.

**9.10 Existing Substandard Lots**

A lot in any residential district which does not contain sufficient area to conform to the dimensional requirements of this Ordinance but which is at least sixty (60) feet wide and seven thousand two hundred (7,200) square feet in area may be used as a single-family building site provided the use is permitted in the Zoning District; the lot is of record in the County Register of Deed's Office prior to the effective date of this Ordinance; and provided that the lot is in separate ownership from abutting lands. The Board of Appeals shall issue a permit for the improvement of a lot with lesser dimensions and requisites than those stated above only after a variance.

If two (2) or more substandard lots are contiguous and have the same ownership as of the effective date of this Ordinance, the lots involved shall be considered to be a single lot for the purpose of this Ordinance. Owners can request a re-division of these lands if total area and dimensions are adequate to create two (2) or more conforming lots.

Lots continuing to be substandard, due to inadequate area and/or dimensions after combining adjacent lots, shall be required to meet the setbacks and other yard requirements of this Ordinance.

**9.11 Existing Substandard Agricultural Parcels**

Any parcel of land within the A-1 Prime Agricultural District which does not contain sufficient area to conform to the dimensional requirements of that district, but which is at least three hundred thirty (330) feet in width and five (5) acres in area may be used for any use permitted (except for the animal keeping restrictions provided below) in the A-1 district provided that the parcel is of record in the County Register of Deed's Office prior to the effective date of this Ordinance, and provided that the parcel is in separate ownership from abutting lands. The Board of Appeals shall issue a permit for the improvement of a lot with lesser dimensions and requisites than those stated above only after the issuance of a variance.

If two (2) or more substandard agricultural parcels with continuous frontage have the same ownership as of the effective date of this Ordinance, the parcels involved shall be considered to be a single parcel for the purpose of this Ordinance. Owners can request a re-division of these lands if total area and dimensions are adequate to create two (2) or more conforming parcels.

Parcels continuing to be substandard, due to inadequate area and/or dimensions after combining adjacent parcels, shall be required to meet the setbacks and other yard requirements of this Ordinance.

Substandard parcels in agricultural districts shall conform to the animal keeping provisions below, when such animal keeping is a permitted use within such district. In

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agricultural districts the keeping of livestock and other farm animals shall be restricted on parcels under thirty-five (35) acres as follows:

1. Ten (10) acres or less, one livestock unit per acre, except no livestock which normally matures to a weight exceeding seventy-five (75) pounds shall be kept on lots of less than two (2) acres;
2. Sites exceeding ten (10) but less than thirty-five (35) acres, two (2) livestock units per acre.

A livestock unit is defined as the equivalent of one (1) steer, dairy cow or horse, two (2) swine, four (4) sheep, or twenty (20) poultry or fur bearing animals.

## **Section 10.00 Board Of Appeals**

### **10.01 Purpose**

There is established a Town of Wilson Board of Appeals for the purposes of hearing appeals and applications and for granting variances and exceptions to the provisions of this Ordinance in accordance with Sec. 62.23 (7) (e) of the Wisconsin Statutes.

### **10.02 Appellant**

Appeals of the decision of the Town staff or any official concerning the enforcement of this Ordinance may be made by any person aggrieved or by any officer, department, board, or commission of the Town. Such appeals shall be filed with the Town Clerk within thirty (30) days after the date of written notice of the decision or order of the Town Staff or administrative official. The owner may make applications or lessee of the structure, land, or water to be affected at any time and shall be filed with the Town Clerk.

### **10.03 Board of Appeals Membership**

1. Terms:

The Board of Appeals shall consist of five (5) members plus an alternate appointed by the Town Board Chair, subject to confirmation by the Town Board for three (3) years. The Town Board Chair shall designate one of the members Chair.

2. Alternate Member:

The Town Board Chair shall appoint an alternate member of the Board of Appeals who shall act with full power, when a member of the Board of Appeals removes oneself from deliberations of matters involving a potential conflict of interest, or when there are not enough Board of Appeals members available to provide a quorum.

3. Vacancies:

Should a vacancy occur on the Board of Appeals, the Town Board Chair shall fill such position by appointment as soon as practicable.

4. Quorum:

Three (3) members of the Board of Appeals shall constitute a quorum.

5. Removal:

Members shall be removable at the option of the Town Board by a majority vote.

6. Compensation:

Members of the Board of Appeals shall serve without compensation.

### **10.04 Powers**

The Board of Appeals (Board) shall have the following powers:

1. Errors:

To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by any official.

2. Variances:

To hear and grant appeals for variances as will not be contrary to the public interest, when, owing to unique physical conditions applying to the lot, a literal enforcement of the dimensional standards will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured. The Board of Appeals shall not grant use variances.

3. Assistance:

The Board may request assistance from other town officers, departments,

commissions, and boards.

#### **10.05 Rules and Procedures**

1. Board Rules:

The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the chair and at such other times as the Board of Appeals may determine. The chair or the acting chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

2. Quorum.

Three (3) members of the Board of Appeals shall constitute a quorum.

3. Resubmission:

No appeal or petition which has been dismissed or denied shall be considered again within six (6) months of the Board of Appeals decision except by a motion to reconsider made by a member voting with the majority or as provided below.

4. Rehearing:

No rehearing shall be held except by the affirmative vote of three (3) or more members of the Board of Appeals upon finding that substantial new evidence is submitted which could not reasonably have been presented at the previous hearing. Requests for rehearing shall be in writing and shall recite the reasons for the request and be accompanied by necessary data and diagrams. Re-hearings shall be subject to the same requirements of notice as original hearings.

#### **10.06 Record**

Minutes: Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each questions, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Town Office and shall be a public record. The grounds of every determination shall be stated and recorded.

1. Written Decision:

The Board of Appeals shall in writing notify the appellant of the findings and decision of the Board within sixty (60) days of first consideration, unless the time is extended by written agreement with the appellant.

#### **10.07 Application**

Applications for appeal shall be delivered to Town Clerk. The Town Clerk shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The application shall contain or have attached thereto the following information:

1. Applicant:

Name and address of the appellant or applicant and all abutting and opposite property owners of record.

2. Plat:

Plat of survey prepared by a registered land surveyor showing all of the information required under Section 6.00 for a Permit.

3. Zoning Application Information:

Information required by the Town Plan Commission, Town Board, or Board of Appeals, during the zoning application process.

4. Written Decision:

Copy of the written decision of the officer, department, board, bureau, or committee

**10.08 Notice of Public Hearing**

The Board of Appeals shall fix a reasonable time and place for the hearing, and shall give a Class II Notice thereof. Notice shall also be given to the Town Board, the Plan Commission, the appellant or applicant, and the administrative officer(s) appealed from by regular mail or by personal service. In every case involving a variance, notice shall also be mailed to the fee owners of record of all land within three hundred (300) feet of any part of the subject building or premises involved in the appeal.

**10.09 Findings**

The Wisconsin Supreme Court and the court of Appeals effectively held that a zoning board of appeals might properly grant a variance **only** if the applicant has shown that without the variance, he or she would have absolutely no reasonable use of the property.

**10.10 Decision**

1. Time for Decision:

The Board of Appeals shall decide all appeals and applications within thirty (30) days after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Town Board, and Plan Commission.

2. Conditions:

Conditions may be placed upon any building or zoning permit ordered as authorized by this Board.

3. Time Limit:

Variations or permits granted by the Board shall expire within six (6) months unless substantial work has commenced following such grant.

## **Section 11.00 R-1 RESIDENTIAL DISTRICT**

### **11.01 Purpose**

To identify those areas where predominantly non-farm residential development has occurred or will be likely to occur, in accordance with the *Town of Wilson Land Use Plan*. To protect residential neighborhoods by prohibiting uses that are not compatible with permitted development. So as to not compromise the integrity of the neighborhood, only R-1 District lots two (2) times (40,000 sq. ft.) the minimum R-1 size (20,000 sq. ft.) can be rezoned to a different land use.

### **11.02 Use**

In the R-1 Residence District no buildings/structures or premises shall be used and no building/structure shall hereafter be erected or structurally altered unless otherwise provided for in this ordinance.

#### **PRINCIPAL RESIDENTIAL BUILDING/STRUCTURE MUST BE BUILT PRIOR TO OR AT THE SAME TIME AS AN ACCESSORY BUILDING OR STRUCTURE.**

##### 1. Permitted Uses.

- a. Single family dwellings.
- b. Accessory buildings/structures (See Section 11.04).
- c. Home occupations. Home occupations are economic activities performed within any residence which comply with the following requirements:
  - A. The home occupation shall be conducted completely within the dwelling unit or accessory building/structure (conditional usage) and not on any open porch, deck, patio or other unenclosed or partially enclosed portion of the dwelling unit.
  - B. The home occupation shall be conducted by a resident of the dwelling unit, and no more than ONE (full time equivalency) other non-resident person who shall operate on the premises shall be employed, in the business.
  - C. No more than twenty-five (25) percent of the total living area of the dwelling (inclusive of garage and porch areas) shall be used for the home occupation including storage of goods, materials or equipment.
  - D. No activity, materials, goods, or equipment incidental to the home occupation shall be externally visible in all residential zoning or be otherwise incompatible with the surrounding area, be it residential or agricultural.
  - E. The home occupation shall not result in noise or vibration, light, odor, dust, smoke or other air pollution noticeable at or beyond the property line.
  - F. In no instance shall a home occupation create a nuisance for neighboring properties.
- d. Incidental uses customary to any of the above uses when located on the same lot and not involving the operation of a business.

##### 2. Conditional Uses.

- a. Professional and business offices.
- b. Hospitals and clinics.
- c. Keeping or raising of horses or other farm animals when on a lot of 5 acres or more.

- d. Public and semipublic uses.
- e. Any power generating structures not requiring authorization under State Statutes or Administrative Code.
- f. Accessory buildings/structures in excess of 2,000 sq. ft.

**11.03 R-1 Height and Area**

<b>Lots</b>	Buildable area-min.	20,000 sq. ft.
	Width-min.	100 feet
<b>Buildings</b>	Height-max.	35 feet/ 2.5 stories
<b>Yard</b>	Side Yard	15 feet
<b>Setbacks</b>	Rear Yard	25 feet
(see Sections 9.06 & 25.01)	Lake Yard	100 feet from OHWM
<b>Floor Space</b>	per dwelling	1,200 single family 1,000 two family

In the R-1 District the height of principal buildings/structures, the minimum dimensions of yards and the minimum lot area shall be as follows:

1. Height. Buildings/structures hereafter erected or structurally altered shall neither exceed 35 feet nor 2 1/2 stories in height. Unless otherwise specified in Section 9.05 of this Ordinance.
2. Side Yard. There shall be a side yard on each side of a building/structure of no less than 15 feet. Accessory buildings/structures must be 15 feet from the side yard unless it is located behind the rear line of the principal building/structure. (See Section 11.04)  
 Exception: A single lot having a width of less than 100 feet, but at least 60 feet, and being of record at the time of the passage of this ordinance, the sum of the widths of the side yards shall be not less than the equivalent of 3.0 inches per foot of lot width for all residential buildings not exceeding 2 1/2 stories in height;  
 Provided, further, that the buildable width of any such lot in no case shall be reduced to less than 24 feet, nor shall the width of any single side yard be less than 40 per cent of the total required side yard width. See Section 9.06.
3. Setback. See Section 25.01 (2) and 25.01(4).  
 Rear Yard. There shall be a rear yard having a minimum depth of 25 feet. See Section 9.06.  
 Structure/Building: See Section 25.01(4).  
 Front: See Section 25.01(2).  
 Lake Yards: All Dwellings shall be set back at least 100 feet from the Ordinary High Water Mark.
4. Lot Area. Every lot hereafter created in this district shall provide a buildable lot area of not less than 20,000 square feet and no such lot shall be less than 100 feet in width.
5. Lot Coverage. The accessory building/structure and/or a detached garage shall allow the total rear lot coverage of 20%.
6. Building/Structure Width & Minimum Unit Floor Space. The minimum principal building/structure width is twenty-four (24) feet with a minimum dwelling unit floor space of 1,200 square feet for one family and a minimum dwelling unit floor space of 1,000 for two family dwelling units based on exterior dimensions and all dwellings must be placed on a permanent foundation and building/structure shall meet setbacks for principal building/structure-additions to an attached garage shall be a minimum of 15'.

7. A foundation is considered to be permanent if it is supported below the anticipated frost level-48" below grade. If the foundation is not supported below the anticipated frost line, a recognized method of frost proofing may be utilized.
8. The setback for a building/structure will be measured from/to: the vertical wall surface, not the finished material as long as the roof overhang is less than 24"; if the roof overhang exceeds 24" the measurement will be taken from the gutter edge; an attached accessory use if it has a roof covering, i.e., porches, enclosed decks, etc.

#### **11.04 Accessory Buildings/Structures and Garages**

In the R-1 district there shall be a maximum of one detached building/structure per dwelling with an attached garage and one additional detached building/structure per dwelling with a detached garage. A detached garage shall be considered to be an accessory building/structure.

1. Maximum Square Footage. Garages and accessory buildings/structures shall in total encompass a maximum of two thousand (2,000) square feet. There shall be a maximum of one (1) accessory building/structure per dwelling. A conditional use permit is required if more than 2,000 sq. ft. of garage/accessory buildings/structure. A conditional use permit may be applied for based on any residence with over 2,000 sq. ft. earning an addition ½ sq. ft. of garage/accessory for each square foot over 2,000 sq. ft. of living space per assessor's records.

EXAMPLE: Using information from the assessment records a 2,400 sq. ft. home would be allowed 2,000 sq. ft. of garage/accessory space plus ½ of the sq. ft. over 2,000 sq. ft. (1/2 of 400=200 sq. ft) for a total allowed of 2,000 sq. ft. plus 200 sq. ft. provided a conditional use permit is obtained and the side, rear, front and yard coverage is met per the existing ordinance. Based on this example this property owner could apply for a conditional use permit for up to 2,200 sq. ft. for an accessory building/structure. Note: A public hearing is required for a conditional use permit.

2. Height. Accessory buildings/structures, including detached garages, shall have a maximum sidewall height of 12 feet and a maximum roof peak height of 18 feet. Any second level/story space in the building/structure shall not have any living quarters.
3. Side and Rear Yards. Accessory structures/buildings, including detached garages, shall have a minimum setback of 5 feet on the side and rear yard if the structure/building is behind the rear line of the principal structure/building, including decks and porches. (See definition of structure on page 99.)
4. Lot Coverage. The accessory building/structure and/or a detached garage shall allow the total rear lot coverage of 20%.
5. All detached accessory buildings/structures which are located forward of the rear building line of the principal building/structure shall satisfy the same yard requirement as the principal building/structure.
6. The distance between buildings/structures, i.e. house and detached garage, garage and storage shed, deck and garage, shall be a minimum of 10' without a firewall, distances of less than 10' but no less than 5' shall have a firewall. There shall not be less than 5' distance between buildings/structures.
7. All accessory use buildings/structures shall be no closer to side and front setbacks than the principal building/structure.

#### **11.05 Performance Standards**

All developments in this district shall conform to Section 24.00 Performance Standards, of this Ordinance.



## **Section 12.00 R-2 RESIDENTIAL DISTRICT**

### **12.01 Purpose**

To identify those areas where predominantly non-farm residential development has occurred or will be likely to occur, in accordance with the *Town of Wilson Land Use Plan*. To protect residential neighborhoods by prohibiting uses not compatible with residential development.

### **12.02 Uses**

In the R-2 Residence District, no buildings/structures or premises shall be used and no building/structure shall hereafter be erected or structurally altered, unless otherwise provided for in this ordinance. **PRINCIPAL RESIDENTIAL BUILDING/STRUCTURE MUST BE BUILT PRIOR TO OR AT THE SAME TIME AS ANY ACCESSORY BUILDING/STRUCTURE.**

#### 1. Permitted Uses

- a. Single family dwellings.
- b. Accessory buildings/structures (See Section 12.04).
- c. Home occupations (See Section 11.02(c)).
- d. Incidental uses customary to any of the above uses when located on the same lot and not involving the operation of a business.

#### 2. Conditional Uses

- a. Professional and business offices.
- b. Guest Cottages.
- c. Any power generating structures not requiring authorization under State Statutes or Administrative Code.
- d. Public or semipublic uses.
- e. Two-family dwellings.
- f. Accessory buildings/structures in excess of 2,000 sq. ft.
- g. Allow 2 accessory buildings/structures if one is a guest cottage-with a conditional use permit.

### **12.03 R-2 Height and Area**

<b>Lots</b>	Buildable area-min.	20,000 sq. ft.
	Width-min.	100 feet
<b>Buildings</b>	Height-max.	35 feet/ 2.5 stories
<b>Yard</b>	Side Yard	15 feet
<b>Setbacks</b>	Rear Yard	25 feet
(See Sections 9.06 & 25.01)	Lake Yard	100 feet from OHWM
<b>Floor Space</b>	per dwelling	1,200 sq. ft. single-family 1,000 sq. ft. two-family

In the R-2 district the height of the buildings/structure, the minimum dimensions of yards and the minimum lot area shall be as follows:

1. Lot Area. Every lot hereafter created in this district shall provide a buildable lot area of not less than 20,000 square feet and no such lot shall be less than 100 feet in width.
2. Height. Buildings/structures hereafter erected or structurally altered shall exceed neither 35 feet nor 2 ½ stories in height unless otherwise specified in Section 9.05 of this ordinance.
3. Side yard. There shall be a side yard on each side of a building/structure of no less than 15 feet. Accessory buildings/structures must be 15 feet from the side yard unless

- it is located behind the rear line of the principal building/structure. (See Section 12.04)
4. Side and Rear Yards. Accessory buildings/structures, including detached garages, shall have a minimum setback of 5 feet on the side and rear yards if they are located behind the rear line of the principal building/structure.
  5. Structure/Building Setback. See Section 25.01(4).
  6. Front Setback. See Section 25.01(2).
  7. Lot Coverage. The accessory building/structure and/or a detached garage shall allow the total rear lot coverage of 20%.
  8. Building/Structure Width & Floor Space. Minimum principal building/structure width of twenty-four (24) feet with a minimum dwelling unit floor space of 1,200 square feet for one family and a minimum dwelling unit floor space of 1,000 square feet for two-family dwelling units based on exterior dimensions and all dwellings must be placed on a permanent foundation.
  9. All attached additions to the principal building/structure shall meet setbacks for principal building/structure-additions to an attached garage shall be a minimum of 15'.
  10. A foundation is considered to be permanent if it is supported below the anticipated frost level-48" below grade. If the foundation is not supported below the anticipated frost line, a recognized method of frost proofing may be utilized.
  11. The setback for a building/structure will be measured from/to: the vertical wall surface, not the finished material as long as the roof overhang is less than 24"; if the roof overhang exceeds 24" the measurement will be taken from the gutter edge; an attached accessory use if it has a roof covering, i.e. porches, enclosed decks, etc.

#### **12.04 Accessory Buildings/Structures and Garages**

In the R-2 district there shall be a maximum of one detached building/structure per dwelling. (Two (2) accessory buildings/structures are allowed if one is a guest cottage-with appropriate conditional use permit.) A detached garage shall be considered to be an accessory building/structure.

1. Maximum Square Footage. Garages and accessory buildings/structures shall in total encompass a maximum of two thousand (2,000) square feet. There shall be a maximum of one (1) accessory building/structure per dwelling. A conditional use permit is required if more than 2,000 sq. ft. of garage/accessory buildings/structure. A conditional use permit may be applied for based on any residence with over 2,000 sq. ft. earning an addition ½ sq. ft. of garage/accessory for each square foot over 2,000 sq. ft. of living space per assessor's records.

EXAMPLE: Using information from the assessment records a 2,400 sq. ft. home would be allowed 2,000 sq. ft. of garage/accessory space with ½ of the sq. ft. over 2,000 sq. ft. (1/2 of 400=200 sq. ft) for a total allowed of 2,000 sq. ft. plus 200 sq. ft. provided a conditional use permit is obtained and the side, rear, front and yard coverage is met per the existing ordinance. Based on this example this property owner could apply for a conditional use permit for up to 2,200 sq. ft. for an accessory building/structure. Note: A public hearing is required for a conditional use permit.

2. Height. Accessory building/structure, including detached garages, shall have a maximum sidewall height of 12 feet and a maximum roof peak height of 18 feet. Any second level/story space in the building/structure shall not have any living quarters.

3. Side and Rear Yards. Accessory buildings/structures, including detached garages, shall have a minimum setback of 5 feet on the side and rear yards if the building/structure is behind the rear line of the principal building/structure, including decks or porches. (See definition of building/structure on page 99.)

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4. Lot Coverage. The accessory buildings/structures and/or a detached garage shall allow the total rear lot coverage of 20%.
5. All detached accessory buildings/structures which are located forward of the rear building line of the principal building/structure shall satisfy the same yard requirement as the principal building/structure.
6. The distance between buildings/structures, i.e. house and detached garage, garage and storage shed, deck and garage, shall be a minimum of 10' without a firewall, distances of less than 10' but no less than 5' shall have a firewall. There shall not be less than 5' distance between buildings/structures.
7. All accessory use buildings/structures shall be no closer to side and front setbacks than the principal building/structure.

**12.05 Performance Standards**

All developments in this district shall conform to Section 24.00 Performance Standards, of this Ordinance.

## Section 13.00 R-3 RESIDENTIAL DISTRICT

### 13.01 Purpose

To identify areas suitable for multi-family residential development, in accordance with the *Town of Wilson Land Use Plan*. To protect residential neighborhoods by prohibiting uses not compatible with residential development.

### 13.02 Uses

In the R-3 Residence District no buildings/structures or premises shall be used and no buildings/structures shall hereafter be erected or structurally altered, unless otherwise provided for in this Ordinance. **PRINCIPAL RESIDENTIAL BUILDING/STRUCTURE MUST BE BUILT PRIOR TO OR AT THE SAME TIME AS ANY ACCESSORY BUILDING/STRUCTURE.**

#### 1. Permitted Uses

- a. Two-family dwellings.
- b. Accessory building/structures not exceeding an area of more than 20 percent of the permitted rear yard.
- c. Uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a business.
- d. Home occupations (See Section 11.02(c)).
- e. Professional and business offices.

#### 2. Conditional Uses

- a. Three or more family dwellings per building when connected to central or public sewers.
- b. Mobile home parks and/or sales offices.
- c. Planned unit developments.
- d. Public and semipublic uses.
- e. Any power generating structures not requiring authorization under State Statutes or Administrative Code.

### 13.03 R-3 Height and Area

<b>Lots</b>	Buildable area- min. per family	20,000 sq. ft.-up to 4 families, 2,500 sq. ft. for each family thereafter
	Width-min.	100 feet
<b>Building</b>	Height-max.	35 feet/2.5 stories
<b>Yard</b>	Side Yard	15 feet
<b>Setbacks</b>	Rear Yard	25 feet
(see Sections 9.06 and 25.01)	Lake Yard	100 feet from OHWM

In this District the height of buildings/structures, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

1. Height. Buildings/structures hereafter erected or structurally altered shall exceed neither 35 feet nor 2 1/2 stories in height. Unless otherwise specified in Section 9.05.
2. Side Yard. There shall be a side yard on each side of a building/structure of no less than 15 feet.
3. Setback. See Section 25.01(4).  
Rear Yard. There shall be a rear yard having a minimum depth of 25 feet. See Section 9.06.  
Building/Structure Setback. See Section 25.01(4).  
Front Setback. See Section 25.01(2).

Lake Yards. All Dwellings shall be set back at least 100 feet from the Ordinary High Water Mark.

4. Lot Area. Every lot hereafter created in this district shall provide a lot area of not less than 20,000 square feet for up to four dwellings and 2,500 square feet per family thereafter. No such lot shall be less than 100 feet in width.
5. All attached additions to the principal building/structure shall meet setbacks for principal building/structure-additions to an attached garage shall be a minimum of 15'.
6. A foundation is considered to be permanent if it supported below the anticipated frost level-48" below grade. If the foundation is not supported below the anticipated frost line, a recognized method of frost proofing may be utilized.
7. The setback for a building/structure will be measured from/to: the vertical wall surface, not the finished material as long as the roof overhang is less than 24"; if the roof overhang exceeds 24" the measurement will be taken from the gutter edge; an attached accessory use if it has a roof covering, i.e. porches, enclosed decks, etc.

#### **13.04 Accessory Buildings/Structures and Garages**

In the R-3 District there shall be a maximum of one detached building/structure on a lot. A detached garage shall be considered to be an accessory building/structure.

1. Maximum Square Footage. Garages and accessory buildings/structures shall in total encompass a maximum of twelve hundred (1,200) square feet. There shall be a maximum of one (1) accessory building/structure per dwelling.
2. Height. Accessory buildings/structures, including detached garages, shall have a maximum sidewall height of twelve (12) feet and a maximum roof peak height of 16 feet. Any second level/story space in the building/structure shall not have any living quarters.
3. Side and Rear Yards. Accessory buildings/structures, including detached garages, shall have a minimum setback of five (5) feet on the side and rear yards.
4. Lot Coverage. The accessory building/structure and/or a detached garage shall allow the total rear lot coverage of 20%.
5. All detached accessory buildings/structure which are located forward of the rear building line of the principal building/structure shall satisfy the same yard requirements as the principal building/structure.
6. The distance between buildings/structure, i.e. house and detached garage, garage and storage shed, deck and garage, shall be a minimum of 10' without a firewall, distances of less than 10' but no less than 5' shall have a firewall. There shall not be less than 5' distance between all buildings/structures.
7. All accessory use buildings/structures shall be no closer to side and front setbacks than the principal building/structure.

#### **13.05 Performance Standards**

All developments in this district shall conform to Section 24.00 Performance Standards, of this Ordinance.

## **Section 14.00 A-1 PRIME AGRICULTURAL DISTRICT**

### **14.01 Purpose**

The purposes of the A-1 District are to: (1) preserve productive agricultural land for food and fiber production; (2) preserve productive farms by preventing land use conflicts between incompatible uses and controlling public services; (3) maintain a viable agricultural base to support agricultural processing and service industries; (4) prevent conflicts between incompatible uses; (5) reduce costs of providing services to scattered, non-farm uses; (6) pace and shape urban growth; (7) implement the policies of the Sheboygan County Farmland Preservation Plan, the Town of Wilson Official Zoning Map, and Land Use Plan; and (8) comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Chapter 91, Wisconsin Statutes.

### **14.02 Lands Included**

The A-1 District is intended to apply to lands in productive farm operations including: (1) lands historically exhibiting high crop yield or capable of such yields; (2) lands which have been demonstrated to be productive for dairying, livestock raising, and grazing; (3) other lands which are integral parts of such farm operations; and (4) lands used for the production of specialty crops such as cranberries, mint, sod, fruits, and vegetables. As a matter of policy, it is hereby determined that the highest and best use of these lands is agricultural.

#### **1. Permitted Uses**

##### **a. Dwellings as follows:**

1. One single-family farm dwelling for each resident owner, each resident laborer, or each resident child of one legal owner, all of whom must be principally engaged in conducting a principal or approved conditional use.
2. One two-family farm dwelling for those resident persons described above:
  - A. The dwelling must be located as to conform to the intent of preserving productive farmland.
  - B. If any residence built under this provision is sold to persons unconnected to the operation and use of the lands for agricultural purposes, no additional homes may be constructed.

##### **b. Apiculture (beekeeping).**

##### **c. Dairying.**

##### **d. Equestrian trails.**

##### **e. Fish or fur farming.**

##### **f. Floriculture (cultivation of ornamental flowering plants).**

##### **g. Forest and game management.**

##### **h. Grazing.**

##### **i. Greenhouses.**

##### **j. Livestock raising except commercial feedlots.**

##### **k. Natural trails and walks.**

##### **l. Orchards.**

##### **m. Paddocks.**

##### **n. Plant nurseries.**

##### **o. Poultry raising except commercial production.**

##### **p. Raising of grain, grass, mint and seed crops.**

##### **q. Raising of tree fruits, nuts and berries.**

- r. Sod farming.
- s. Stables.
- t. Vegetable raising.
- u. Viticulture (grape growing).
- v. Landscaping/tree farm operations.
- w. Home occupations.
- x. Professional and business offices.

2. Conditional Uses

- a. Airports, when municipally owned or agriculturally related.
- b. Microwave radio relay structures; radio broadcast and television structures.
- c. Mineral extraction.
- d. Public and semi-public uses.
- e. Any power generating structures not requiring authorization under State Statutes or Administrative Code.
- f. Kennels.
- g. Feed lots with more than 100 live animals.
- h. Major agriculturally related compost operations.

**14.03 A-1 Height and Area**

<b>Lot</b> (farm size)	Area-min.	35 acres
<b>Building</b>		
Farm dwelling	Height-max.	35 feet
Other structures	Height-max.	2 times their distance from the nearest lot lines.
<b>Yards</b>		
Farm dwelling	Rear	Minimum 100 feet
	Side	Minimum 20 feet
	Street	See Section 28.01(4)
Other structures See Sections 25.01 and 9.06	Rear	Minimum 100 feet
	Side	Minimum 20 feet if not to be used for the housing of animals; 100 feet if structure is to be used for the housing of animals
	Street	See Section 25.01(2) and 25.01(4)

In the A-1 district the height of buildings, the minimum dimensions of yards and the minimum lot area shall be as follows:

1. Height. Unless otherwise specified in Section 9.05 of this Ordinance, height restrictions shall apply as stated below.
  - a. Farm dwellings hereafter erected or structurally altered shall exceed neither 35 feet nor 2 1/2 stories in height.
  - b. Other structures hereafter erected or structurally altered shall not exceed a height of two times their distance from the nearest lot line or ROW.
2. Setback. See Section 25.01(4).
  - Rear Yard. See Section 9.06.
    - a. Farm dwellings shall have a side yard having a minimum depth of 100 feet.
    - b. Other structures shall have a side yard having a minimum depth of 100 feet.
  - Structure Setback: See Section 25.01(4)
  - Front Setback: See Section 25.01(2)

Side Yards:

- a. Farm dwellings shall have a rear yard having a minimum depth of 20 feet.
- b. Other structures shall have a rear yard having a minimum depth of 20 feet if not to be used for the housing of animals; 100 feet if structure is to be used for the housing of animals.

3. Lot Area.

Every agricultural parcel hereafter created in this district shall provide a lot area of not less than 35 acres.

**14.04 Existing Substandard Lots**

Principal, conditional, and accessory farm structures may be erected on any legal lot or parcel on record in the County Register of Deeds office before the effective date of this Ordinance provided however that variances to the building and yard requirements shall be granted only by the Board of Appeals in accordance with Section 10.00 of this Ordinance.

**14.05 Farm Consolidation**

Notwithstanding any area requirements to the contrary, farm dwellings existing at the time of adoption of this Ordinance and related farm structures remaining after farm consolidation may be separated from the farm lot provided however that the parcel created conforms with all regulations set forth in the A-4 District. Keeping of farm animals on existing parcels of 35 acres or less in area, shall conform with the restrictions contained in the A-4 Agricultural District, unless additional lands within close proximity are rented as part of the farm operation to bring the total working farm area to above 35 acres.

**14.06 Performance Standards**

All entities in this district shall conform to Section 24.00 Performance Standards, of this Ordinance.



## **Section 15.00     A-2     AGRICULTURAL DISTRICT**

### **15.01 Purpose**

The primary purposes of the A-2 District is to maintain, preserve, and enhance agricultural land historically utilized for crop production but which are not included within the A-1 District.

### **15.02 Lands Included**

Lands included are those generally best suited for smaller farm uses, including truck farming, horse farming, hobby farming, orchards and similar agricultural related farming activities.

#### **1. Permitted Uses**

- a. Single-family residence.
- b. Apiculture (beekeeping).
- c. Dairying.
- d. Equestrian trails.
- e. Fish or fur farming.
- f. Floriculture (cultivation of ornamental flowering plants).
- g. Forest and game management.
- h. Grazing.
- i. Greenhouses
- j. Home Occupations.
- k. Landscaping business.
- l. Livestock raising except commercial feedlots.
- m. Natural trails and walks.
- n. Orchards.
- o. Paddocks.
- p. Plant nurseries/tree farms.
- q. Poultry raising except commercial production.
- r. Professional and business offices.
- s. Raising of grains and seed crops.
- t. Raising of tree fruits, nuts and berries.
- u. Sod farming.
- v. Stables.
- w. Vegetable raising.
- x. Viticulture (grape growing).

#### **2. Conditional Uses**

- a. Two-family dwelling or additional residences for farm purposes only, excluding mobile homes.
- b. Campgrounds, See Section 8.07.
- c. Construction, contracting and roofing businesses.
- d. Welding, blacksmithing facility.
- e. Well drilling business facility.
- f. Plant and tree nursery.
- g. Kennel.
- h. Hostel.
- i. Antique store.
- j. Public and semi-public uses.
- k. Mineral extraction.

- l. Cold storage.
- m. Riding stables.
- n. Sewage disposal plants.
- o. Drive-in theaters.
- p. Salvage yards and sanitary landfill sites which must be licensed by the State of Wisconsin.
- q. Golf course and country club.
- r. Any power generating structure not requiring authorization under State Statutes or Administrative Code.
- s. Airport.
- t. Major agriculturally related compost operations.

**15.03 A-2 Height and Area**

<b>Lot</b> (farm size)	Area-min.	5 acres
	Width-min.	300 feet
<b>Buildings</b>		
Farm dwelling	Height-max	35 feet
Other structures	Height-max	Maximum of their distance from the nearest lot lines
<b>Setbacks</b>		
Farm dwelling and other structures	Rear	Minimum 50 feet
See Section 9.06 & 25.01	Side	Minimum 20 feet
	Street	See Section 25.01(4)

Buildings hereafter erected or structurally altered in the A-2 Agricultural District, the height of buildings, the minimum dimensions of side yards and rear yards, and the minimum lot area shall be as follows:

1. Height. Residences hereafter erected or structurally altered shall exceed neither 35 feet nor 2 1/2 stories in height. There shall be no limit on the height of agricultural buildings except that they must be set back from all road and road easements or ROW lines and property boundaries at a distance at least equal to their height.
2. Side Yard. There shall be a side yard of 20 feet on each side of a building.
3. Setback. See Section 25.01(4), Highway Setback Lines.
4. Structure Setback. See Section 25.01(4).
5. Front Setback. See Section 25.01(2).
6. Rear Yard. There shall be a rear yard having a minimum depth of 50 feet.
7. Lot Area. Every lot hereafter created shall provide a lot of not less than 5 acres and no lots shall be less than 300 feet in width.

**15.04 Existing Substandard Lots**

Principal, conditional, and accessory farm structures may be erected on any legal lot or parcel on record in the County Register of Deeds office before the effective date of this Ordinance provided however that variances to the building and yard requirements shall be granted only by the Board of Appeals in accordance with Section 10.00 of this Ordinance.

**15.05 Farm Consolidation**

Notwithstanding any area requirements to the contrary, farm dwellings existing at the time of adoption of this Ordinance and related farm structures remaining after farm consolidation may be separated from the farm lot provided however that the parcel

created conforms with all regulations set forth in the A-2 District. Keeping of farm animals on existing parcels of 35 acres or less in area, shall conform with the restrictions contained in the A-2 Agricultural District, unless additional lands within close proximity are rented as part of the farm operation to bring the total working farm area to above 35 acres.

**15.06 Provisions for Keeping of Farm Animals**

Parcels located in the A-2 district shall conform to the following provisions for keeping farm animals on parcels of thirty-five (35) acres or less:

1. Ten (10) acres or less, one livestock unit per acre, except no livestock which normally matures to a weight exceeding seventy-five (75) pounds shall be kept on lots of less than two (2) acres;
2. Sites exceeding ten (10) but less than thirty-five (35) acres, two (2) livestock units per acre.

A livestock unit is defined as the equivalent of one (1) steer, dairy cow or horse, two (2) swine, four (4) sheep, or twenty (20) poultry or fur bearing animals.

**15.07 Performance Standards**

All entities in this district shall conform to Section 24.00 Performance Standards, of this Ordinance.

## **Section 16.00 A-3 AGRICULTURAL TRANSITION DISTRICT**

### **16.01 Purpose.**

The primary purposes of the A-3 District are to: (1) provide for the orderly transition of agricultural land into other uses in areas planned for eventual urban expansion; (2) defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost; (3) insure that urban development is compatible with local use plans and policies; (4) provide periodic review to determine whether all or part of the land should be transferred to another zoning district.

### **16.02 Lands Included.**

The A-3 District is generally intended to apply to land located adjacent to the incorporated municipalities or urbanized areas where such lands are predominantly in agricultural or related open space uses but where conversion to non-agricultural use is expected to occur in the foreseeable future.

#### **1. Permitted Uses**

##### **a. Dwellings as follows:**

1. One single-family farm dwelling for each resident owner, each resident laborer, or each resident child of one legal owner, all of whom must be principally engaged in conducting a principal or approved conditional use.
2. One two-family farm dwelling for those resident persons described above:
  - (A). Separate parcels of land for such accessory residential uses may be divided from the farm unit, but shall conform with all regulations set forth in the R-1 District.
  - (B). The dwelling must be located as to conform to the intent of preserving productive farmland.
  - (C). If any residence built under this provision is sold to persons unconnected to the operation and use of the lands for agricultural purposes, no additional homes may be constructed.

##### **b. Apiculture (beekeeping)**

##### **c. Dairying.**

##### **d. Equestrian trails.**

##### **e. Fish or fur farming.**

##### **f. Floriculture (cultivation of ornamental flowering plants).**

##### **g. Forest and game management.**

##### **h. Grazing.**

##### **i. Greenhouses.**

##### **j. Home Occupations**

##### **k. Landscaping business.**

##### **l. Livestock raising except commercial feedlots.**

##### **m. Natural trails and walks.**

##### **n. Orchards.**

##### **o. Paddocks.**

##### **p. Plant nurseries/tree farms.**

##### **q. Poultry raising except commercial production.**

##### **r. Professional and business offices.**

- s. Raising of grains and seed crops.
  - t. Raising of tree fruits, nuts and berries.
  - u. Sod farming.
  - v. Stables.
  - w. Vegetable raising.
  - x. Viticulture (grape growing).
  - y. Home occupations.
2. Conditional Uses
- a. Airport when municipally owned or agriculturally related.
  - b. Microwave radio relay structures; radio broadcast and television structures.
  - c. Mineral extraction.
  - d. Public and semipublic uses.
  - e. Any power generating structures not requiring authorization under State Statutes or Administrative Code.
  - f. Kennels.
  - g. Feed lots with more than 100 live animals.
  - h. Major agriculturally related compost operations.

**16.03 A-3 Height and Area.**

<b>Lot</b> (farm size)	Area-min.	5 acres
	Width-min.	300 feet
<b>Building</b>		
Farm dwelling	Height-max.	35 feet
Other structures	Height	Maximum of their distance from the nearest lot lines.
<b>Yards</b>		
Farm dwelling and other See Section 9.06 & 25.01	Rear	Minimum 50 feet, 100 feet if housing farm animals
	Side	Minimum 20 feet
	Street	See Section 25.01(4)

Buildings hereafter erected or structurally altered in the A-3 Agricultural District, the height of buildings, the minimum dimensions of side yards and rear yards, and the minimum lot area shall be as follows:

1. Height. Residences hereafter erected or structurally altered shall exceed neither 35 feet nor 2 1/2 stories in height. There shall be no limit on the height of agricultural buildings except that they must be set back from all road and road easements or ROW lines and property boundaries at a distance at least equal to their height.
2. Side Yard. There shall be a side yard of 20 feet on each side of a building.
3. Setback. See Section 25.01(4), Highway Setback Lines.
4. Structure Setback. See Section 25.01(4).
5. Front Setback. See Section 25.01(2).
6. Rear Yard. There shall be a rear yard having a minimum depth of 50 feet, 100 feet if housing farm animals.
7. Lot Area. Every lot hereafter created shall provide a lot of not less than 5 acres and no lots shall be less than 300 feet in width.

**16.04 Existing Substandard Lots**

Principal, conditional, and accessory farm structures may be erected on any legal lot or parcel on record in the County Register of Deeds office before the effective date of this

Ordinance provided however that variances to the building and yard requirements shall be granted only by the Board of Appeals in accordance with Section 10.00 of this Ordinance.

**16.05 Farm Consolidation**

Notwithstanding any area requirements to the contrary, farm dwellings existing at the time of adoption of this Ordinance and related farm structures remaining after farm consolidation may be separated from the farm lot provided however that the parcel created conforms with all regulations set forth in the A-3 District and that the keeping of farm animals on parcels less than 35 acres in area shall conform with the restrictions contained in the A-3 Agricultural District Permitted Uses.

**16.06 Provisions for Keeping of Farm Animals**

Parcels located in the A-2 district shall conform to the following provisions for keeping farm animals on parcels of thirty-five (35) acres or less:

1. Ten (10) acres or less, one livestock unit per acre, except no livestock which normally matures to a weight exceeding seventy-five (75) pounds shall be kept on lots of less than two (2) acres;
2. Sites exceeding ten (10) but less than thirty-five (35) acres, two (2) livestock units per acre.

A livestock unit is defined as the equivalent of one (1) steer, dairy cow or horse, two (2) swine, four (4) sheep, or twenty (20) poultry or fur bearing animals.

**16.07 Performance Standards**

All entities in this district shall conform to Section 24.00 Performance Standards, of this Ordinance.

## **Section 17.00 A-4 AGRICULTURAL LIVING DISTRICT**

### **17.01 Purpose**

The primary purpose of the A-4 District is to provide a zone for the splitting of a residence and buildings, many already existing from farm consolidations.

### **17.02 Lands Included**

Farmstead and similar housing originally built as accessory uses to farming as the principal land use but no longer needed due to farm consolidations. The A-4 District is intended to apply to parcels of one (1) to five (5) acres.

#### **Requirements for A-4 zoning:**

- A. Proof of compliance with County septic system requirements.
- B. Proof of compliance with properly working well.
- C. This zoning is for existing dwellings only. No new residence may be constructed. Only remodeling/additions to existing dwellings are allowed.

#### **1. Permitted Uses.**

- a. One single or two family dwelling and accessory structures.
- b. The keeping of livestock and other farm animals shall be restricted as follows:  
Five (5) acres or less, one livestock unit per acre, except no livestock which normally matures to a weight exceeding seventy-five (75) pounds shall be kept on lots of less than two (2) acres;

A livestock unit is defined as the equivalent of one (1) steer, dairy cow or horse, two (2) swine, four (4) sheep, or twenty (20) poultry or fur bearing animals.

- c. Home Occupations.

#### **2. Conditional Uses.**

- a. Two family dwelling.
- b. Construction, contracting business accessory to the residence and provided equipment and material storage is within structures.
- c. Welding blacksmithing, small or farm machinery repair, provided said use is accessory to a principal residence and conducted indoors.
- d. Hostel or bed and breakfast lodging.
- e. Public and semi-public uses.
- f. Commercial horse riding stables.
- g. Road side vegetable and produce stand.
- h. Kennels.
- i. Any power generating structures not requiring authorization under State Statute or Administrative Code.

### **17.03 A-4 Height and Area**

<b>Lot (farm size)</b>	Area-min	1-5 acres.
	Width-min.	100 feet

#### **Buildings**

Farm dwelling	Height-max	35 feet
Other structures	Height-max	Maximum of their distance from the nearest lot lines.

**Setbacks**

Farm dwelling and Other structures	Rear	Minimum 50 feet
See Section 9.06 & 25.01	Side Street	Minimum 50 feet See Section 25.01(4)

Buildings hereafter erected or structurally altered in the A-3 Agricultural District, the height of buildings, the minimum dimensions of side yards and rear yards, and the minimum lot area shall be as follows:

1. Height. Residences hereafter erected or structurally altered shall exceed neither 35 feet nor 2 ½ stories in height. There shall be no limit on the height of agricultural buildings except their placement in relation to property lines shall in no case be less than their height.
2. Side and Rear Yard. Such yards shall be of not less than 50 feet.
3. Setback. See Section 25.01(4), Highway Setback lines.
4. Structure Setback. See Section 25.01(4).
5. Front Setback. See Section 25.01(2).
6. Lot Area. Every lot hereafter created shall provide not less than 1 acre in area and at least 100 feet of width.

**17.04 Performance Standards**

All entities in this district shall conform to Section 24.00 Performance Standards, of this Ordinance.



## **Section 18.00 NC NEIGHBORHOOD COMMERCIAL DISTRICT**

### **18.01 Purpose.**

To identify areas appropriate for neighborhood commercial uses which are adjacent to or located in residential areas. To provide for uses which are compatible with or have traditionally been located in the residential areas.

### **18.02 Uses**

In the Neighborhood Commercial District no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this ordinance.

#### **1. Permitted Uses**

- a. Antique store.
- b. Art shop.
- c. Barber shop/ beauty parlor.
- d. Pharmacy.
- e. Florist shop.
- f. Gift shop.
- g. Grocery store.
- h. Ice cream store.
- i. Photography studio.
- j. Professional and business offices.

#### **2. Conditional Uses**

- a. Restaurant.
- b. Single residence above or attached to a business.

### **18.03 Neighborhood Commercial Height and Area**

<b>Lot</b>	Area-min.	20,000 sq. ft.
<b>Building</b>	Height-max.	35 feet/ 2 stories
<b>Yards</b>	Rear	Minimum 25 feet for buildings 1.5 stories, and an
See Section		additional 3 feet for each story or fractional story
9.06 & 25.01	Side	Minimum 10 feet
	Street	See Section 25.01(4)
	Lake yard	100 feet from OHWM

In the Neighborhood Commercial District the height of buildings, the minimum dimensions of yards and the minimum lot area shall be as follows:

1. Height. Buildings hereafter erected or structurally altered shall exceed neither 35 feet nor 2 stories in height. Unless otherwise provided for in Section 9.05.
2. Side Yard. For buildings or parts of buildings hereafter erected or structurally altered there shall be a minimum side yard of 10 feet.
3. Setback. See Section 25.01(4), Highway Setback Lines.
4. Structure Setback. See Section 25.01(4).
5. Front Setback. See Section 25.01(2).
6. Rear Yard. There shall be a rear yard having a minimum depth of 25 feet for a building 1.5 stories or less in height. For each additional story or fractional story in height, the depth of such rear yard shall increase 3 feet. See Section 9.06.
7. Lake Yards. All dwellings shall be set back at least 100 feet from the Ordinary High Water Mark.

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8. Lot Area. Every building or part of a building hereafter erected or structurally altered located on a public or private sewer shall provide a lot area of not less than 20,000 square feet.

9. Maximum Commercial Floor Area. In the neighborhood commercial district there shall be a maximum floor area of 2500 square feet for each commercial business.

**18.04 Performance Standards**

All developments in this district shall conform to Section 24.00 Performance Standards, of this Ordinance.

## **Section 19.00 HC HIGHWAY COMMERCIAL DISTRICT**

### **19.01 Purpose**

To identify areas appropriate for commercial uses that are either oriented to the highway user or reached by vehicles.

### **19.02 Use**

In the Highway Commercial District no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this ordinance.

#### **1. Permitted Uses**

- a. Antique store.
- b. Art shop.
- c. Automobile sales and mechanical service establishment.
- d. Bakery (retail).
- e. Bank and financial institution.
- f. Barber shop/beauty parlor.
- g. Book and stationery store.
- h. Bowling alley, pool and billiard room, gymnasium, dancing school, dance hall, skating rink, theater except drive-in theater.
- i. Business and professional office.
- j. Clinic.
- k. Convention and exhibition hall.
- l. Cleaning establishment.
- m. Clothing store, shoe and department store.
- n. Pharmacy.
- o. Gasoline station.
- p. Florist shop.
- q. Food products (retail).
- r. Gift shop.
- s. Greenhouse, nursery.
- t. Grocery store (retail, delicatessen, meat and fish market, and fruit and vegetable market).
- u. Hardware store.
- v. Household appliance store, furniture store, plumbing, heating and electrical shops.
- w. Ice cream store.
- x. Jewelry Store.
- y. Music, radio and television store.
- z. News stand.
- aa. Optical store.
- bb. Parking lots as part of permitted use.
- cc. Photography studio, photographer's supplies.
- dd. Radio broadcast studio.
- ee. Retail store.
- ff. Restaurant, cafeteria, lunch room, refreshment stand, caterer, tavern.
- gg. Tobacco and pipe store.
- hh. Undertaking establishment.

- ii. Any other uses similar in character to or customarily used in connection with the foregoing, and the processing or treatment of products clearly incidental to the conduct of a retail business on the premises.

2. Conditional Uses

- a. Hotel and motel.
- b. Planned Unit Development.
- c. Animal and pet shop.
- d. Single residence above or attached to business.
- h. Public and semipublic uses.
- i. Mini-warehouse storage facilities.
- j. Construction and contracting businesses with all operations, activities and storage (not including off-street parking and loading of motor vehicles in operating condition) shall be conducted and maintained wholly inside of buildings, except that storage may be maintained outside of a building if no part of the storage is less than 15 feet from any lot line of the tract on which the use is located and provided any such storage is screened from other property with a decorative fence or planting.

**19.03 Highway Commercial Height and Area**

<b>Lot</b>	Area-min.	20,000 sq. ft.
<b>Buildings</b>	Height-max.	45 feet/ 3 stories
<b>Yards</b>	Rear	Minimum 25 feet for buildings 1.5 stories, and an additional 3 feet for each story or fractional story
See Section 9.06 & 25.01	Side	Minimum 10 feet
	Street	See Section 25.01(4)
	Lake Yard	100 feet from OHWM

In the Highway Commercial District the height of buildings, the minimum dimensions of yards and the minimum lot area shall be as follows:

1. Height. Buildings hereafter erected or structurally altered shall exceed neither 45 feet nor 3 stories in height. Unless otherwise provided for in Section 9.05.
2. Side Yard. For buildings or parts of buildings hereafter erected or structurally altered there shall be a minimum side yard of 10 feet.
3. Setback. See Section 25.01(4), Highway Setback Lines.
4. Structure Setback. See Section 25.01(4).
5. Front Setback. See Section 25.01(2).
6. Rear Yard. There shall be a rear yard having a minimum depth of 25 feet for a building 1.5 stories or less in height. For each additional story or fractional story in height, the depth of such rear yard shall be increased 3 feet. See Section 9.06.
7. Lake Yards. All dwellings shall be set back at least 100 feet from the Ordinary High Water Mark.
8. Lot Area. Every building or part of a building hereafter erected or structurally altered shall provide a lot of not less than 20,000 square feet.

**19.04 Performance Standards**

All developments in this district shall conform to Section 24.00 Performance Standards, of this Ordinance.

## **Section 19.51 S-O SUBURBAN OFFICE DISTRICT**

### **19.51 Purpose**

To identify areas appropriate for offices developed in a campus setting. The campus setting would be developed by one developer for one user, or if multiple users would provide at least one of the listed conditional uses. The campus grounds would include a picnic area, walking trails and any wetland area would be protected from urban degradation. Storm water drainage would be managed on site.

### **19.52 Use**

In the Suburban Office District no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this ordinance.

1. Permitted Uses
  - a. Business Offices.
  - b. Professional Offices.
2. Conditional Uses
  - a. Daycare Center.
  - b. Fitness Center.
  - c. Restaurant-Serving Employees.
  - d. Barber or Beauty Shop.

### **19.53 Height and Area**

Lot	Area-Min.	10 acres
Buildings	Height-max.	45 feet/3 stories
Yards	Rear	Minimum 25 feet for buildings 1.5 stories, and an additional 3 feet for each story or fractional story
See Section 9.06 & 25.01	Side	Minimum 25 feet
	Street	See Section 25.01(4)

In the Suburban Office District the height of buildings, the minimum dimensions of yards and the minimum lot area shall be as follows:

1. Height. Buildings hereafter erected or structurally altered shall exceed neither 45 feet nor 3 stories in height unless otherwise provided for in Section 9.05.
2. Side Yard. For buildings or parts of buildings hereafter erected or structurally altered there shall be a minimum side yard of 25 feet.
3. Setback. See Section 25.01(4).
4. Structure Setback. See Section 25.01(4).
5. Front Setback. See Section 25.011(2).
6. Rear Yard. There shall be a rear yard having a minimum depth of 25 feet for a building 1.5 stories or less in height. For each additional story or fractional story in height, the depth of such rear yard shall be increased 3 feet. See Section 9.06.

### **19.54 Performance Standards**

All developments in this district shall conform to Section 24.00 Performance Standards of this Ordinance.

## **Section 20.00 I-1 LIGHT INDUSTRIAL DISTRICT**

### **20.01 Purpose**

To provide areas best suited for light industrial development because of location, topography, existing streets and potential for utilities, and relationship to other land uses. Uses are to have minimal impact on the area surrounding them, regarding noise, vibrations and other environmental factors. Uses not compatible with industry are to be discouraged.

### **20.02 Uses**

#### Permitted Uses When the Outside Storage of Raw Materials, Products or Any Other Material is not Permitted

- a. Any establishment the principal of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing or testing of materials, goods, or products, provided that such establishment qualified as a permitted use by operations conforming with I-1 District performance standards, and other requirements of this Ordinance.
- b. Building material sales.
- c. Business and professional offices.
- d. Commercial radio and television transmitting antenna towers and other electronic equipment requiring outdoor towers, including antenna towers for the dispatching of private messages.
- e. Contractors and construction offices, shops and yards, such as building, cement, electrical, heating, ventilating and air-conditioning, masonry, painting, plumbing, refrigeration and roofing.
- f. Dry-cleaning plants and laundries.
- g. Frozen food lockers.
- h. Machine shops and metal products manufacture and tool and die shops, provided they do not include any of the following equipment: automatic screw machines, drop forges or riveting machines.
- i. Machinery sales.
- j. Mail order houses.
- k. Manufacturing and assembling electrical and electronic products, components and equipment.
- l. Printing and binding plants.
- m. Public utility production and distribution centers.
- n. Research laboratories.
- o. Warehouses and storage facilities.
- p. Water filtration plants, pumping stations, reservoirs and lift stations.
- q. Meeting halls and offices of labor organizations.
- r. Trade schools.
- s. Indoor recreational facilities such as pistol and archery ranges, skating rinks, swimming pools, tennis and basketball courts.
- t. Existing residential uses, only as long as said residential use continues to exist.

#### Conditional Use

- a. Automobile service establishment/garage.

**20.03 I-1 Height and Area**

<b>Lot</b>	Area-min.	20,000 square feet
	Width-min.	100 feet
<b>Building</b>	Height-max.	35 (see 20.03(1) below)
	Lot coverage-max.	35%
<b>Yards</b> See Section 9.06 & 25.01	Front	50 feet
	Side	Shall be equal to the highest point of the roof of the principal structure
	Street	See Section 25.01(4)

1. Lot size requirements
  - a. Minimum lot area: 20,000 square feet
  - b. Minimum lot width: 100 feet
2. Building bulk limitations

Maximum building height: 35 feet, provided that any building or structure may exceed 35 feet in height if an additional 10 feet of front yard is provided over the minimum applicable requirements of Section 20.03(4) on yard requirements for each 5 feet by which the building or structure exceeds 35 feet in height.
3. Lot coverage

The principal and accessory buildings shall occupy no more than 35% of the lot area
4. Setback requirements
  - a. Front yard not less than 50 feet in depth. See Section 25.01(2).
  - b. A side yard on each side of the lot and a rear yard equal to the highest point of the roof of the highest principal building or structure.
  - c. Structure must comply with Section 25.01(4).

**20.04 Performance Standards**

All developments in this district shall conform to Section 24.00 Performance Standards, of this Ordinance.

**20.05 General Requirements**

1. All operations, activities and storage (not including off-street parking and loading of motor vehicles in operating condition) shall be conducted and maintained wholly inside of buildings.
2. No building shall be used for residential purposes.
3. No retail sales or services shall be permitted except as incidental to or accessory to a permitted use.
4. All premises shall be furnished with all-weather hard surfaced walks and, except for parking areas, the grounds shall be planted and landscaped.

## **Section 21.00 I-2 GENERAL INDUSTRIAL DISTRICT**

### **21.01 Purpose**

To provide areas best suited for light industrial development because of location, topography, existing streets and potential for utilities, and relationship to other land uses, where outdoor storage is a necessity. Uses are to have minimal impact on the area surrounding them, regarding noise, vibrations and other environmental factors. Uses not compatible with industry are to be discouraged.

### **21.02 Uses**

#### Permitted Uses When Outdoor Storage Is Screened Or Otherwise Out Of The View Of The Public

- a. Any use permitted in the I-1 Light Industrial District with outdoor storage.
- b. Blacksmiths, tinsmiths and sheet metal shops.
- c. Bottling works.
- d. Canning or preserving factories.
- e. Cold storage plants.
- f. Ice cream production and distribution.
- g. Machinery rental, sales and service.
- h. Machine shops.
- i. Manufacturing, process, fabricating, packaging, assembling, repairing, storing, cleaning, servicing, or testing any of the following materials:
  1. Apparel.
  2. Beverages.
  3. Building material specialties.
  4. Chemical products.
  5. Cosmetics and toiletries.
  6. Dairy products.
  7. Drugs and pharmaceutical products.
  8. Electronics.
  9. Food products.
  10. Furniture.
  11. Glass products.
  12. Ice - dry and natural.
  13. Jewelry.
  14. Medical laboratory supplies, equipment and specialties.
  15. Metal products and utensils.
  16. Musical instruments.
  17. Optical goods.
  18. Paint.
  19. Paper products including boxes and containers.
  20. Textiles.
  21. Toys and children's vehicles.
  22. Trailers and carts.
  23. Wood products including wooden boxes and containers.
- j. Milk bottling and distribution.
- k. Monumental stone cutting.
- l. Motor freight terminals.
- m. Pattern shops.



- n. Printing plants.
  - o. Soldering and welding shops.
  - p. Sign painting.
  - q. Railroad yards and switching areas including lodging and sleeping facilities for transient railroad labor.
  - r. Waste storage, treatment or recycling facilities, which are operated in compliance with all Federal or State regulations as enforced by the Wisconsin Department of Natural Resources.
  - s. Waste disposal facilities, which are operated in compliance with all Federal or State regulations as enforced by the Wisconsin Department of Natural Resources and where a Conditional Use Permit is secured pursuant to the provisions of Section 8.00.
  - t. Any other industrial process or establishment, which can and shall be operated in compliance with the Development and Performance standards in Sections 24.00 and 26.00 and following for the I-2 General Industrial District.
2. Conditional Uses
- a. Salvage Yard.

**21.03 I-2 Height and Area**

<b>Lot</b>	Area - min.	10 acres
	Width - min.	500 feet
<b>Buildings</b>	Floor area ratio-max.	1.0
<b>Yards</b>	Front	100 feet (see section 20.03(3)(a) below)
	Side	See section 20.03(3)(b) below
See Section 25.01(4)	Rear-min.	30 feet
	Transitional	See section 20.03(3)(d) below
	Street	See Section 25.01(4)

- 1. Lot size requirements
  - a. Minimum lot area: 10 acres
  - b. Minimum lot width. 500 feet

2. Building Bulk Limitations  
 Maximum floor area ratio (F.A.R.) of 1.0

The floor area ratio of the building or other structure on any lot is determined by dividing the floor area of such building or structure by the area of the lot on which the building or other structure is located. When more than one building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot. The floor area ratio requirement shall determine the maximum floor area allowable for a building or other structure (including both principal and accessory buildings) in direct ratio to the gross area of the lot.

3. Yard Requirements

- a. Front Yard: A front yard that is at least 50 feet in depth, provided that if any property located in the I-2 General Industrial District is across the street from any residential district, then a front yard of at least 100 feet in depth shall be required. See Section 25.01(2).
- b. Side Yard: A side yard of not less than 50 feet in depth on the side of a corner lot that abuts the street.
- c. Rear Yard: A rear yard of not less than 30 feet in depth.

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d. Transitional Yards: Where a side lot line coincides with a side or rear lot line in an adjacent business or residence district, then a side yard shall be provided along such side lot line that is not less than 50 feet in width.

e. Structure Setback: See Section 25.01(4).

Where a rear lot line coincides with a side lot line in an adjacent business or residence district, then a yard shall be provided along such rear lot line that is not less than 50 feet in depth.

Where a rear lot line coincides with a rear lot line in an adjacent or residence district, then a yard shall provided along such rear lot line that is not less than 50 feet in depth.

Where the extension of a front or a side lot coincides with a front lot line or an adjacent lot located in a business or a residence district, then a yard equal in depth to the minimum front yard required by this Ordinance on such adjacent business or residence shall be provided along such front or side lot lines for a distance of at least 50 feet, including the width of any intervening alley.

f. Planting Strip: The Plan Commission may require that a planting strip of sufficient width and consisting of trees, bushes, or hedge be developed in any such transitional yard along the district boundary.

**21.04 Performance Standards**

All developments in this district shall conform to Section 24.00 Performance Standards, of this Ordinance

## **Section 22.00 C-1 CONSERVANCY DISTRICT**

### **22.01 Purpose**

To identify those areas where development is prohibited due to groundwater, the presence of significant wildlife habitat, natural vegetation, archaeological site, geologic feature or historical site.

### **22.02 Use**

In the Conservancy District no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Permitted Uses:

- a. Park and recreational uses such as hunting, fishing, hiking, or horse trail.
- b. Forestry practices or raising of wildlife.
- c. Wood stands, natural and controlled.
- d. Cemeteries.
- e. Conservation and Environmental Practices.

2. Conditional Uses:

- a. Buildings pertinent to the permitted uses.
- b. In the event that more than 15% of the habitat is destroyed, a conditional use shall be necessary for any use.
- c. Golf courses.
- d. Any power generating structures not requiring authorization under State Statutes or Administrative Code.

3. Prohibited Use

- a. Clear Cut Forestry.

### **22.03 C-1 Height and Area**

<b>Building</b>	Height-max.	25 feet/ 2 stories
<b>Setbacks</b>	Side	25 feet
See Section 9.06 &	Rear-min.	25 feet
25.01	Street	See Section 25.01(4)

In the Conservancy District the height of buildings, the minimum dimensions of yards and the minimum lot area shall be as follows:

1. Height. Buildings hereafter erected or structurally altered shall exceed neither 25 feet nor 2 stories in height.
2. Side Yard. For buildings or parts of buildings shall be not less than 25 feet in width.
3. Setbacks. Front Setback-See Section 25.01(2); Structure Setback-See Section 25.01(4).
4. Rear Yard. There shall be a rear yard having a minimum depth of 25 feet.

## **Section 23.00 P-1 PARK AND RECREATION DISTRICT**

### **23.01 Purpose**

The Park District is intended to provide for areas where the recreational needs of the populace can be met without undue disturbance of natural resources and adjacent uses.

### **23.02 Use**

#### **1. Permitted Uses**

- a. Boat access sites.
- b. Botanical gardens and arboretums.
- c. Forest preserve.
- d. Historic and monument sites.
- e. Sportsmen clubs.
- f. Outdoor ice-skating and hockey rinks.
- g. Parks (leisure and ornamental).
- h. Picnic areas.
- i. Playgrounds or athletic fields.
- j. Skiing and tobogganing slopes.
- k. Swimming beaches.
- l. Tennis courts.
- m. Any structure necessary for the operation or use of a permitted use.
- n. Off-street parking areas.

#### **2. Conditional Uses**

- a. Amphitheaters.
- b. Archery ranges.
- c. Arenas and field houses.
- d. Bathhouses and swimming pools.
- e. Conservatories.
- f. Exhibition halls.
- g. Fairgrounds.
- h. Golf courses with country club/restaurant facilities/driving ranges.
- i. Gymnasiums.
- j. Marina.
- k. Museums.
- l. Music halls.
- m. Polo fields.
- n. Recreation centers/stadiums.
- o. Riding academies.
- p. Skeet and trap shooting ranges provided that the firing of rifled arms and shotgun slugs shall not be discharged within six hundred (600) feet in the direction toward any highway, road, or navigable water, any building or occupied structure, or the site boundary.
- q. Wildlife preserves/zoological facilities.

**23.03 P-1 Height and Area**

<b>Building</b>	Height-max	35 feet
	Area-max	10% of total park area
<b>Setbacks</b>	Side	40 feet
See Section 9.06 & 25.01	Rear-min.	40 feet
	Street	See Section 25.01(4)

Lots in the Park District shall provide sufficient area for any principal structure or accessory structures as well as necessary off-street parking and loading areas.

1. Building Height and Size
  - a. No building or parts of a building shall exceed thirty-five (35) feet in height.
  - b. The total of the floor area of all buildings shall not exceed ten (10) percent of the total park area.
2. Setback and Yards
  - a. Side and Rear Yard Setbacks-No building or structure shall be erected, altered, or moved closer than forty (40) feet to a lot line.
  - b. Structure Setback-See Section 25.01(4).
  - c. Front Setback-See Section 25.01(2)
3. Parking and Loading Space
  - a. There shall be sufficient off-street parking space provided to accommodate users of the park or recreation area.
  - b. There shall be no on-street parking in the Park District.
4. Minimum Utility Service
  - a. Electricity, wastewater treatment and disposal facilities, and water supply system shall be installed as required by the Wisconsin Administrative Code, Wisconsin Department of Natural Resources and/or the Sheboygan County Health Department.

**23.04 Special Regulations**

1. To encourage a park use environment that is compatible with the adjacent use, Town permits for permitted uses in the Park District shall not be issued without prior review by and approval of plans for such use by the Town Plan Commission.
2. Said review and approval shall be concerned with adjacent uses, general layout, building site and operation plans, building materials, need for public waste water treatment and water supply facilities, ingress, egress, parking, loading and unloading, and screening and landscape plans.

## **Section 23.30 SP-1 SEMI-PUBLIC DISTRICT**

### **23.31 Purpose**

The Semi-Public District is intended to accommodate Semi-Public uses, particularly those isolated from other urban areas.

### **23.32 Use**

#### 1. Permitted Uses

- a. Churches.
- b. Lodges.
- c. Fraternal organizations.
- d. Neighborhood Center.
- e. Any structure necessary for the operation of a permitted use.
- f. Off-street parking areas.

### **23.33 Height and Area**

Lot	Area-min.	1 acre
Building	Height-max.	45 feet
Setbacks	Side	40 feet
See Section 9.06 & 25.01	Rear-min. Street	40 feet See Section 25.01 (4)

Lots in the Semi-Public District shall provide sufficient area for any principal structure or accessory structures as well as necessary of-street parking and loading areas.

1. Building Height and Size
  - a. No building or parts of a building shall exceed thirty-five (35) feet in height.
2. Setback and Yards
  - a. Side and Rear Yard Setbacks-No building or structure shall be erected, altered, or moved closer than forty (40) feet to a lot line.
  - b. Structure Setback-See Section 25.01(4).
  - c. Front Setback-See Section 25.01(2).
3. Minimum Utility Service
  - a. Electricity, wastewater treatment and disposal facilities, and water supply system shall be installed as required by the Wisconsin Administrative Code, Wisconsin Department of Natural Resources and/or the Sheboygan County Health Department.

### **23.34 Special Regulations**

1. Encourage an environment that is compatible with the adjacent use, Town permits for permitted uses in the Semi-Public District shall not be issued without prior review by and approval of plans for such use by the Town Plan Commission.
2. Said review and approval shall be concerned with adjacent uses, general layout, building site and operation plans, building materials, need for public waste water treatment and water supply facilities, ingress, egress, parking, loading and unloading, and screening and landscape plans.

## **Section 23.70 P-2 PUBLIC DISTRICT**

### **23.71 Purpose**

The Public District is intended to accommodate municipal owned lands and facilities.

### **23.72 Uses**

1. Permitted Uses
  - a. Town Hall.
  - b. Community Center.
  - c. Town Service Facility.
  - d. Town Storage Facility.
  - e. Town Landfill.
  - f. Sewer Facilities.
  - g. Municipal Water Facilities.
  - h. Fire Station.

### **23.73 Height and Area**

Building	Height-max.	35 feet
Setbacks	Side	10 feet
See Section 9.06 & 25.01	Rear-min. Street	25 feet See Section 25.01(4)

Lots in the Public District shall provide sufficient area for any principal structure or accessory structures as well as necessary off-street parking and loading areas.

1. Building Height & Size
  - a. No building or parts of a building shall exceed thirty-five (35) feet in height.
2. Setback & Yards
  - a. Side and Rear Yard Setbacks-No building or structure shall be erected, altered, or moved closer than forty (40) feet to a lot line.
  - b. Structure Setback-See Section 25.01(4).
  - c. Front Setback-See Section 25.01(2)
3. Minimum Utility Service
  - a. Electricity, wastewater treatment and disposal facilities, and water supply system shall be installed as required by the Wisconsin Administrative Code, Wisconsin Department of Natural Resources and/or the Sheboygan County Health Department.

**Section 24.00 ENVIRONMENTAL PERFORMANCE STANDARDS**

This Section sets the performance standards for all uses in all zoning districts, except agricultural districts, to limit, restrict, and prohibit the effects of those uses outside their premise or district.

**24.01 Air Pollution**

No person or activity shall reduce air quality or emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities so as to substantially contribute to exceeding County, State, or Federal air pollution standards.

**24.02 Glare and Heat**

No activity shall emit glare or heat that is visible or measurable outside its premise. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light, excluding exterior lighting fixtures, shall be shielded so as not to be visible outside of their District.

**24.03 Liquid or Solid Wastes**

No activity shall be permitted which violates Federal or State liquid or solid waste regulations as enforced by the Wisconsin Department of Natural Resources.

**24.04 Water Quality Standards**

1. No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid material of such, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash in to surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as: objectionable shore deposits, floating of submerged debris, oil, scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
2. In addition, no activity shall withdraw water or discharge liquid or solid material so as to exceed or contribute toward the exceeding of the minimum standard set in Chapter NR 102 of the Wisconsin Administrative Code.

**24.05 Noise**

1. No activity shall produce a sound level outside the district boundary or zoning line that exceeds fifty (50) decibels where the meter reading is corrected in accordance with Table 24A.
2. All noise shall be muffled or otherwise controlled so as not to become objectionable due to intermittence, duration, beat frequency, impulse character, or shrillness.

**Table 24A**

<b>Noise Characteristics</b>	<b>Correction in dBA</b>
Pure tone present	+5
Intermittent or impulsive	+5
Noise only during working hour's	-5
Total duration of noise each day	
Continuous	0
Less than 30 minutes	-5
Less than 20 minutes	-10
Less than 5 minutes	-15
Less than 1 minute	-20



Less than 15 seconds	-25
Neighborhood	
Quiet suburban	+5
Suburban	0
Residential Urban	-5
Urban near some industry	-10
Heavy industry	-15

*Note: Readings should be taken with the dBA meter set on "slow response" and with a wind velocity of less than 10 miles per hour.*

**24.06 Radioactivity and Electrical Disturbances**

No activity shall emit radioactive or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

**24.07 Odors**

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthy outside their premise. The guide for determining odor measurement and control shall be Chapter 13, Air Pollution Abatement Manual, 1960, prepared by the Manufacturing Chemist’s Association, Inc., Washington, DC.

**24.08 Vibration**

No activity in any district shall emit vibrations, which are discernible without instruments outside premise, except in an I-2 General Industrial District. No activity in the I-2 General Industrial District shall emit vibrations that exceed the following displacement measured with a three-component measuring system:

**Table 24B**

Frequency (Cycles per Second)	Displacement (Inches) Outside the Premises	Displacement (Inches) Outside the District
0 to 10	.0020	.0004
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and over	.0002	.0001

**24.09 Fire and Explosive Hazards**

All activities involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall comply with existing Federal and State regulations.

**24.10 Surface Drainage**

1. No surface water may be channeled or directed into a sanitary sewer system.
2. All development shall conform to the natural drainage of the land and natural and pre-existing man-made drainage ways shall remain undisturbed, to the extent practicable.
3. The drainage system of the development shall coordinate with and connect to the drainage systems or drainage way of the surrounding properties or streets, whenever practicable.
4. The damming, filling, relocation, or interference with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted, except with approval of the Town.

5. To increase infiltration, reduce peak runoff and increase safety, surface drainage's should be grassy parabolic swales.
6. No principal building shall be erected, structurally altered, or relocated on land which is not adequately drained at all times, or which is subject to periodic flooding.
7. Rainwater discharge conductors shall not be directed toward adjacent structures or create a nuisance to adjoining properties.
8. No building other than bridge, dam or boathouse shall be erected, structurally altered or relocated so that the lowest floor of the structure is less than two (2) feet above the one hundred (100) year flood stage.

#### **24.11 Storm Water Runoff Control**

The storage and controlled release of excess storm water shall be required for all commercial and industrial developments and for residential subdivisions where the overall area exceeds ten (10) acres. The controlled release of storm water run-off from all development described above shall not exceed the peak discharge of storm water runoff as occurring under the predevelopment existing conditions of the parcel, based upon a ten (10) year storm event. Where site detention is required for runoff control, the detention facilities shall safely pass the run-off of a one hundred (100) year storm through an emergency outlet.

In the event the developer chooses to release more runoff than would occur under the predevelopment conditions, he/she will be required to provide adequate outlet facilities downstream to accommodate the increased rate of runoff. The specifications to be used in designing these facilities and computing run-off shall be based upon the standards contained in the Soil Conservation Services' Engineering Field Manual for Conservation Practices, which is available from the United States Department of Agriculture, Soil Conservation Service, or an alternate method as may be approved by the Town.

#### **24.12 Erosion Control.**

Erosion control shall be required for all sites. The planning process, specifications and construction techniques will be done in accordance with the Wisconsin Construction Site Best Management Practices Handbook prepared by the Wisconsin Department of Natural Resources.

1. Erosion control plans shall consist of the detailed soil survey map of the area indicating the site location as well as adjacent properties and the identification of any structures or natural features on the land adjacent to and within two hundred fifty (250) feet of it the site. The plan shall include a boundary line survey of the site, a location and description of the soil types, which have been rated severe for erosion limitations, by the USDA Soil Conservation Service, and the elevation, dimension, location and extent of all proposed grading. It shall include the location and identification of any proposed additional structures or development on the site. It shall include plans for and specifications of drainage provisions, retaining walls, cribbing, planting, anti-erosion devices or other protective devices whether temporary or permanent to be constructed in connection with or as a part of the proposed work, together with a map showing the drainage area of the land tributary to the site, upstream culverts and other restrictions which may control the quantity and rate of run-off and a statement explaining the estimated run-off used to determine the design characteristics of any drainage device. Upstream drainage shall be considered and explained if any adverse effect is possible. Plans for removal, re-contouring or other final disposition of sediment basins or other structural improvements or devices shall be included in the plan.

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2. Factors, which will be considered in reviewing land suitability, run-off, and erosion control plans, shall relate to the specific site conditions. The plan should reduce land grading and keep land disturbance to a minimum. Both surface run-off and storm water drainage systems should be integrated to accommodate the increased run-off incurred during land grading. Existing temporary and future protective vegetation should be emphasized. The plan shall coordinate grading operation and sedimentation control measures so as to minimize land exposure to erosion to the briefest time. Sediment basins below high sediment producing areas should be planned, installed and maintained as safety devices to catch and trap excessive sediment from the development site. The plan should utilize available technologies to keep soil erosion to a minimum level.

3. Submittal Procedure:

The preparation of surface water, erosion and sediment control plans shall be undertaken by a qualified individual and shall be submitted to the Town Clerk who shall transmit those plans to the Building Inspector, Plan Consultant or Soil Conservation Service, who shall review then transmit that information back to the Town Clerk for review and consideration by the Town Plan Commission and Town Board. Any comments or recommendations by the Plan Commission are advisory only and the Town Board may, upon its own action, modify, adopt or reject any or all of the comments or recommendations.

a. Upon consideration of the factors cited above, and application of this chapter, conditions may be imposed for the approval of erosion control and run-off as is deemed necessary to accomplish the intent of this chapter. Among such conditions without limitation because of specific enumeration are:

1. All activities on the site shall be conducted in logical sequence to minimize the area of unstable soils at any one time.
2. Permanent grass and vegetative cover for the area.
3. Stabilization by means of mulching, non-vegetative materials, jute mat, excelsior, etc.
4. Sodding the area subject to erosion.
5. Use of low growing plants, vines, shrubs, or other ground covers to stabilize sediment-producing areas.
6. Construction of structures that will stabilize the grade and water channels.
7. Construction of sediment basins shall be designed and built to insure against failure of the structure resulting in loss of life or interruption of use or service of public utilities.
8. Use of grass waterways for the safe disposal of runoff water.
9. Utilization of existing topography and planning development to minimize erosion such as planning roadways parallel to contours.
10. Leaving critical areas in an undisturbed condition or correction of critical areas that can cause erosion hazards.
11. Constructing diversionary channels and terraces across the slopes.

## **SECTION 25.00 DEVELOPMENT STANDARDS**

### **25.01 Setbacks**

1. Water Setback:

All buildings or accessory structures, such as sheds, parking structures, outdoor storage, and fences must conform to Sheboygan County Ordinances regarding water setbacks. All lands within the Sheboygan County Shoreland Zone shall conform to that Ordinance-reference Sheboygan County Shoreland Ordinance for water setbacks.

2. Highway Setbacks

The minimum setback from the road easement or the right-of-way line shall be as follows;

- a. 35 feet : Class 1 - Private Roads and Town Roads not classified as Class 2 highways such as Black River Rd.
- b. 45 feet: Class 2 - County Trunk Highways and the following roads and streets; Evergreen Drive, Indian Mound Road., Greenfield Avenue, Moenning Road, Lakeshore Road, South 12th Street, South 18th Street, Stahl Road, Taylor Drive and Racetrack Road.
- c. 70 feet: Class 3 - State Trunk Highways
- d. 75 feet: South Business Drive, running from the northerly Town limits southerly to the intersection with Interstate Highway 43.

3. Average Setback

The required highway setbacks for residences may be decreased in any residential district to the average of the existing setbacks of the abutting structures on each side but in no case less than a minimum setback of twenty-five (25) feet from the right-of-way.

4. Structures Prohibited Within Setback Lines

No new building, new sign or other new structure or part thereof shall be placed between the setback lines of the highway except as provided by this ordinance. No building, sign or structure or part thereof existing within such setback lines on the effective date of this ordinance, shall be altered, enlarged, or added to in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm or other catastrophe to the extent of fifty percent (50 %) or more of its last assessed value.

5. Structures Permitted Within Setback Lines.

The following kinds of structures may be placed between the setback line and the highway:

- a. Open fences (See Section 25.15 (2)(b))
- b. Telephone, telegraph, and power transmission poles and lines, pad mounted transformers and micro-wave relay structures may be constructed within the setback lines, and additions to and replacements of existing structures may be made, provided the owner will file, with the Town of Wilson, an agreement in writing to the effect that the owner will remove all new construction, additions and replacements erected after the adoption of this ordinance at the owner's expense, when necessary for the improvement of the highway.
- c. Underground structures not capable of being used as foundations.

**25.02 Street Access**

1. Limited Access:  
 No direct private access shall be permitted to the existing or proposed right-of-way of a freeway, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction. No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
  - a. Freeways, interstate highways, and their interchanges or turning lanes nor to intersecting or interchanging streets within one thousand five hundred (1,500) feet of the most remote end of the taper of the turning lanes.
  - b. Local streets intersecting an arterial street within sixty (60) feet of the intersection of the right-of-way lines of another intersection.
  - c. Temporary access to the above rights-of-way may be granted by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.
2. Limited Access Points: Access points shall be limited to those necessary to serve the property. Multiple access points shall be reviewed and approved by the Plan Commission.
3. Access Near Street Intersections: At its intersection with the street right-of-way line on an arterial or nonresidential collector street, no access point shall be located closer than the number of feet provided by the table below, from the intersection of any two street rights-of-way unless such street is the only available accessible frontage on the subject property. In all cases, access points shall be located as far from an intersection as the lot size permits.

<b>Access Near Street Intersection</b>	<b>Required Distance from Intersection</b>
<b>Signalized Intersection</b>	
Local (Class 1)	90 feet
Collector (Class 2)	150 feet
Arterial (Class 3)	210 feet
<b>Unsignalized Intersection</b>	
Local (Class 1)	60 feet
Collector (Class 2)	150 feet
Arterial (Class3)	180 feet

4. Distance from Property Line: The distance from an access drive to the property line of an adjacent property shall not be less than five (5) feet, as measured along the right-of-way line.
5. Traffic Control: The traffic generated by commercial or industrial uses shall be channeled and controlled in a manner, which avoids congestion on public streets and other safety hazards. Traffic into and out of all off-street parking, loading and traffic circulation areas shall be forward moving. Backing into streets or pedestrian ways shall be prohibited. Traffic control devices, such as signs and speed bumps, may be required as determined by the Plan Commission.
6. Paving of Access: Access approaches in all zoning categories, except Agricultural Districts, shall have an apron paved with asphaltic concrete or Portland cement concrete and shall be maintained so as to prevent the transport of gravel, dirt, or other eroded material from the subject property into the right-of-way.

7. **Dead End Streets:** Cul-de-sac streets designed to have one end permanently closed shall normally not exceed one thousand (1,000) feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way radius of sixty (60) feet and a minimum outside paved radius of forty-five (45) feet. The Town may require greater dimensions when it is deemed to be in the interest of the public.

**25.03 Street Grades**

Street grades should comply with The American Association of State Highway Transportation Officials (AASHTO) specifications as published in *A Policy of Geometric Design of Highways and Streets*. A brief summary follows:

1. Unless necessitated by exceptional topography subject to the approval of the Plan Commission, the maximum centerline grade of any public way shall not exceed the following:

<b>Public Street</b>	<b>Allowed maximum Grade</b>
Arterial streets	6.0 % - six percent
Collector streets	8.0 % - eight percent
Minor streets, alleys and frontage streets	8.0 % - eight percent
All Streets Maximum Gradient	8.0 % - eight percent
All Streets minimum Gradient	0.5 % - one half percent

2. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and the general leveling of the terrain. Tree removal within the right-of way shall be as required by the Town Board where it is deemed necessary to obtain proper vision or additional pavement width. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to fifteen (15) times the algebraic difference in the rates of grade for arterial streets, and one half (1/2) this minimum for all other streets.

**25.04 Road Alignment**

Road alignment should comply with The American Association of State Highway Transportation Officials (AASHTO) specifications as published in *A Policy of Geometric Design of Highways and Streets*. A brief summary follows:

1. When a continuous street centerline deflects at any one point by more than five percent (5%), a circular curve shall be introduced having a radius of curvature on such centerline of not less than the following:

<b>Public Street</b>	<b>Minimum Centerline Radius</b>
Arterial Streets and Highways	500 feet
Collector Streets	300 feet
Minor streets, alleys and frontage streets	100 feet

2. A tangent of at least one hundred (100) feet in length shall be provided between reverse curves on arterial and collector streets.
3. A minimum sight distance with clear visibility, measured along the center line, not less than the following:

<b>Public Streets</b>	<b>Minimum Sight Distance</b>
Arterial Streets and Highways	500 feet
Collector Streets	300 feet
Minor streets, alleys and frontage streets	100 feet

4. Streets that are to be public dedications are to meet the minimum right-of-way standards as published in the Town of Wilson *Subdivision Ordinance*.

<b>Public Streets</b>	<b>Minimum Right-of-Way Standard</b>
Arterial Streets and Highways	120 feet
Collector Streets	80 feet
Minor streets, alleys and frontage streets	66 feet

**25.05 Street Names**

New street names may not duplicate the names of existing streets within Town limits, but streets that are continuations of existing and named streets shall bear the name of the existing street. Street signs shall be required at all intersections and shall be installed by the maintenance staff. Street sign location and design shall be reviewed by the Plan Commission and approved by the Town Board.

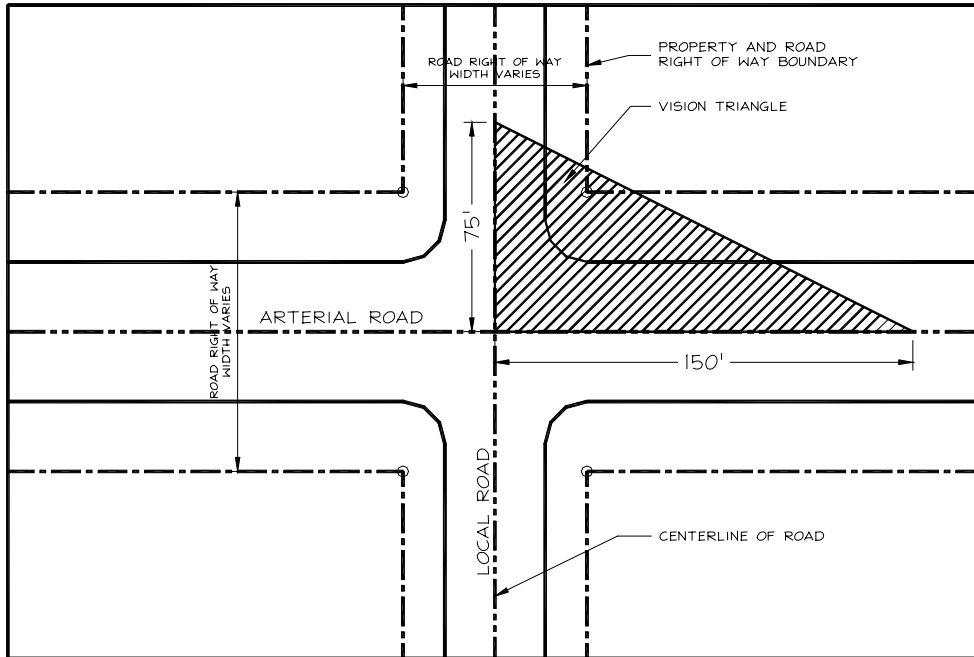
**25.06 Intersection Design**

1. Angle of Intersection with Public right-of-way: All access drives shall intersect with any public right-of-way at a right angle of not less than 85 degrees, and shall intersect at an angle of 90 degrees wherever possible. Not more than two (2) streets shall intersect at one point.
2. Intersection Grades: Intersections shall be approached on all sides by grades not to exceed two percent (2%) for a distance of at least fifty (50) feet in length unless exceptional topography would prohibit these grades.
3. Minimum Curb Radius: The minimum edge of pavement radius at an intersection shall not be less than ten (10) feet.
4. Hazard Removal: If a proposed street is to enter a Town, County or State arterial and it is deemed a hazardous entrance by the governing body having jurisdiction over the road, it will be the responsibility of the developer to correct the potential hazard through an agreement with the governing body or relocate the proposed entrance to a more suitable location approved by the governing body.

**25.07 Traffic Visibility**

1. No visual obstruction shall be located within a vision triangle. The vision triangle is a space formed by any two (2) existing or proposed intersecting centerlines and a line joining points the ends of such lines, and leaving a Clear Area (see Clear Area-Section below). Sizes of such vision triangles are regulated as follows:

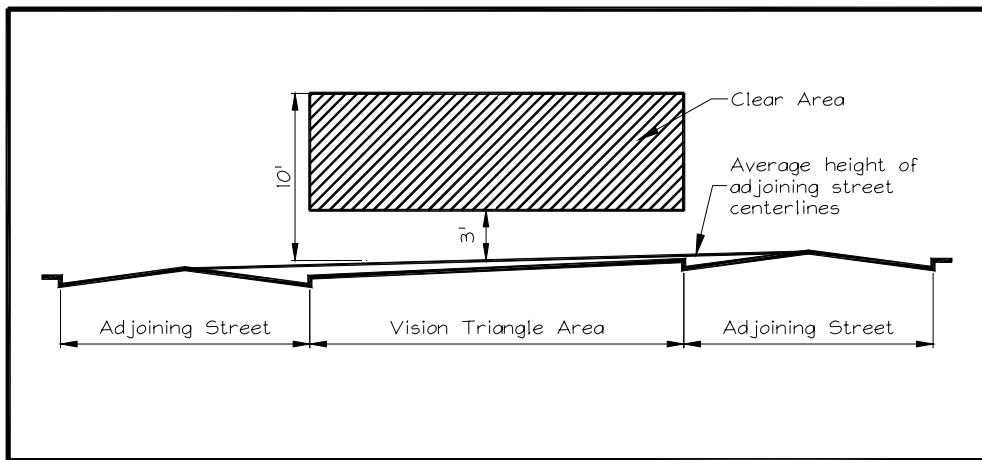
<b>Street Type</b>	<b>Vision Triangle Distance Along Centerline</b>
Arterial Street (State & County Highways)	150 feet
Local Street (Town road & Street)	75 feet
Driveways (Private)	50 feet



**Figure 25-1 Vision Triangle Intersection Illustration**

Clear Area - Section Illustration

No vegetation or structure that may constitute a visual obstruction may be placed in the clear area of a vision triangle. The clear area extends from three (3) feet to ten (10) feet above from the average height of the centerline elevation of the adjoining streets.



**Figure 25-2 Clear Area**

1. No vegetation or structure that may constitute a visual obstruction may be placed in the clear area of a vision triangle. The clear area extends from three (3) feet to ten (10) feet above from the average height of the centerline elevation of the adjoining streets.
2. No obstruction that would create a road hazard or impede road maintenance shall be permitted on or over any road right-of-way without permission of the Town Board.



3. No obstructions, such as structures, parking or vegetation, shall be permitted between the heights of three (3) feet and ten (10) feet above the plane through the mean centerline grade of the road within the vision triangular space formed by any two (2) existing or proposed intersecting street right-of-way lines and a line joining points on such lines located a minimum of fifty (50) feet from the intersection.

#### **25.08 Loading Requirements**

1. Loading Bays: On every lot on which a commercial, business, or industrial use is hereafter established, space with access to a public street or alley shall provide for the loading and unloading of vehicles off the public right-of-way.
  - a. Loading berths shall be located on private lots and shall be located so as to not interfere with any public right-of-way.
  - b. Loading berths shall not be located within any required front yard or street yard set back. Each loading and unloading space shall have access to a public dedicated street or alley.
  - c. All loading berths shall be a minimum of twenty-five (25) feet in length. All required loading berths should have a minimum vertical clearance of fourteen (14) feet.
  - d. Each loading berth shall be located so as to facilitate access to a public street or alley, and shall not interfere with other vehicular or pedestrian traffic, and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way.
  - e. All required loading areas and their access drives shall be paved with asphaltic concrete or Portland cement concrete. The use of all required loading areas should be limited to the loading and unloading of vehicles. Said area shall not be used to provide minimum required parking spaces.
  - f. At no time shall any part of a truck or van be allowed to extend into the right-of-way of a public road or street while the vehicle is being unloaded or loaded.
2. Bus and truck terminals: Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded or unloaded at the terminal at any one time shall be provided.

#### **25.09 Off-Street Parking**

1. Use of Off-Street Parking Areas: The use of off-street parking areas in all zoning districts shall be limited to the parking of operable vehicles not for lease, rent, or sale. Within residential districts operable cars and trucks shall only use required parking spaces.
2. Traffic Circulation and Traffic Control: Site circulation shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and on the site. Circulation shall be provided to meet the individual needs of the site with specific mixing of access and through movements. Circulation patterns shall conform to the general rules of the road and all traffic control measures shall meet the requirements of the *Manual of Uniform Traffic Control Devices*.
3. Maintenance of Off-Street Parking and Traffic Circulation Areas: All off-street parking and traffic circulation areas shall be paved with asphaltic concrete or Portland cement concrete. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area

- a. Exception: When the site plan is modified to accommodate a change associated with a conditional use, rezoning, or building addition and/or modification, such changes in paving and landscaping shall be made as are necessary.
4. Off-Street Parking and Traffic Circulation Design Standards
  - a. Surfacing and Marking: All off-street parking and traffic circulation areas shall be paved with asphaltic concrete or Portland cement concrete. Said surfaces intended for more than five (5) parking stalls shall be marked in a manner, which clearly indicates required parking spaces. Where building or parking/traffic circulation area additions are proposed, all areas not paved with asphaltic concrete or Portland concrete shall be so paved. This additional paving may be phased over time with the express permission of the Plan Commission and Town Board.
  - b. Curbing: All off-street parking areas designed to have head-in parking within six and one-half (6.5) feet of any lot line shall provide a tire bumper or curb of adequate height. Curbing within off-street parking areas shall also be required to fully separate all required landscaped areas from the parking lot,
  - c. Lighting: All off-street parking and traffic circulation areas serving six (6) or more cars shall be lighted so as to ensure the safe and efficient use of said areas during the hours of use. Lighting shall be non-invasive to adjoining properties.
  - d. Access: Each required off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into a public right-of-way exceeding eighty (80) feet in width. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner which least interferes with traffic movements.
  - e. Off-street parking spaces for residential uses may be stacked or in front of one-another for the same building unit. Parking spaces located behind an enclosed garage and located directly off a through aisle shall be a minimum of thirty (30) feet deep.
  - f. Fire Lanes: A fire lane, twenty (20) feet wide and twenty (20) feet high, shall be required to provide access to any portion of any structure as determined by the Town Fire Department.
  - g. Handicapped Parking Spaces: Parking for the handicapped shall be provided at a size, number, location, and with signage as specified by State and Federal regulations.
  - h. Parking Space Design Standards: Other than parking required to serve the handicapped, every and all provided off-street parking space shall be with the minimum required length of parking spaces shall be not less than one hundred eighty (180) square feet exclusive of the space required for ingress and egress. There shall be an additional one and one-half (1.5) foot vehicle overhang area at the end of the stalls with tire stops. All parking spaces shall have a minimum vertical clearance of at least seven (7) feet.
  - i. Snow Storage: Required off-street parking and traffic circulation areas shall not be used for snow storage.

**25.10 Parking Requirements**

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the following:

1. Location is to be on the same lot as the principal use. No parking stall or driveway, except in residential districts, shall be closer than twenty-five (25) feet to a residential district lot line or a street right-of-way opposite a residential district.
2. All off-street parking areas shall be graded and surfaced so as to be dust free and properly drained. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.
3. Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.
4. Off-street spaces required:

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**Use**

Residential and multi-family

**Minimum Parking Required**

2 spaces for each dwelling unit

Motels, hotels

1 space for each guest room plus 1 space for every 3 employees

Hospitals, clubs, lodges, dormitories, fraternity houses

1 space for every 2 beds plus 1 space for every 3 employees

Sanitariums, institutions rest and nursing homes

1 space for every 5 beds plus 1 space for every 3 employees

Medical and dental clinics

4 spaces for each doctor

Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly

1 space for every 5 seats

Colleges, secondary and elementary schools

1 space for every 2 employees plus 1 space for every 10 students of 16 years of age or more

Restaurants, taverns, places of entertainment, lodges and clubs, repair shops, grocery stores, retail and service stores

1 space for every 150 square feet of floor area and 1 space for every 2 employees

Manufacturing and processing plants, laboratories and warehouses

1 space for every 2 employees

Financial institutions, business offices, government, and professional offices

1 space for every 300 square feet of floor area and 1 space for every 2 employees

Funeral homes

20 spaces for each viewing room

Bowling alleys

5 spaces for each alley

Motor vehicle sales (new and used)

1 space for every 500 square feet of floor area used plus 1 space for every 300 square feet of outdoor display for every motor vehicle to be displayed

Automobile repair garages

1 space for every regular employee plus 1 space for every 250 square feet of floor area used for repair work

Gasoline stations

3 spaces for each grease rack or similar facility plus 1 space for every attendant

5. Uses not listed. In the case of structures or uses not mentioned, the provision for a use, which is similar, shall apply.
6. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

**25.11 Parking Spaces For Use By Physically Handicapped**

Parking lots shall be designed in such a way to accommodate handicapped accessible parking spaces as specified in the Federal *Americans with Disabilities (ADA)* regulations and the *Wisconsin State Statutes* Sections 346.50, 346.503 and 346.505

**25.12 Parking Lot Landscaping**

Off-street parking lots in all commercial and industrial districts with two (2) or more adjacent interior rows of parking shall provide for:

1. An island(s) comprising ten percent (10%) of the interior parking lot area shall be landscaped with trees, shrubs and ground cover.
2. One (1) tree for every ten (10) parking stalls.
3. A landscape buffer shall be located between parking lots and public roads. The buffer shall be a minimum of 20 feet wide and be composed of earth berms or compact hedgerow of shrubs. This landscape buffer is intended to screen the view of parked vehicles from public roads.
4. A twelve (12) foot wide minimum landscape-planting screen shall be located between parking lots and adjacent property line.

**25.13 Street Landscaping**

1. Street trees: The subdivider shall plant at least one shade tree of a species acceptable to the Town Plan Commission, and at least one and one half to two inches (1 1/2" - 2") caliper for every one hundred (100) feet of frontage on both sides of all streets proposed to be dedicated. The required trees shall be planted in the street yard within 10' of the street lot line in accordance with plans and specifications approved by the Town Plan Commission. In lieu thereof, the Plan Commission may accept tree plantings arranged in groupings rather than spaced equally in rows, provided the number of trees shall be at least the number required as provided above.
2. Planting screens: In some circumstances the Plan Commission may require a planting screen "buffer" between conflicting or contrasting land uses, and/or to provide visual and sound screening along highways and major roads. Such planting shall be placed within a designated planting easement of adequate width and shall conform to plans required as part of the preliminary plat/plan submittal and in accuracy and detail sufficient for review by the Plan Commission.
3. General landscaping guidelines.
  - a. Planting screens shall consist of compatible naturalistic groupings of hardy plant material.
  - b. A diverse mixture of deciduous and evergreen tree and shrub varieties shall be used.
  - c. Sizes shall be adequate for reasonable immediate effect
  - d. Short-lived tree varieties are not acceptable (i.e., Silver Maple, Lombardy Poplar, Box Elder, Chinese Elm).

#### **25.14 Grading**

1. No excess grading: Large scale grading for the purpose of creating lots on excessive slopes shall not be permitted.
2. Grading at Property Line: In order to protect adjacent property owners from possible damage due to changes in existing grades, no change in the existing topography within twenty (20) feet of the property line shall result in the slope to a ratio greater than three (3) horizontal to one (1) vertical. In no case shall any slope exceed the normal angle of slippage of the soil involved. The exception to this shall be where retaining walls are built with the written consent of the abutting property owner and with the approval of the Plan Commission.

#### **25.15 Fences**

1. Applicability: The requirements of this Section apply to all fencing, landscape walls and decorative posts equal to, or exceeding, thirty (30) inches in height, for all land uses and activities except agricultural zones.
2. Standards: Materials.
  - a. Residential Districts: Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, and wire mesh, except that wire mesh fencing is not permitted within required front yard or street yard areas. Any fence within a street yard, including along property lines which, intersect a right-of-way, shall be a maximum of 50% opaque.
  - b. Nonresidential Districts: Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, and wire mesh. Barbed wire fencing is permitted on security fences at heights equal to or greater than six (6) feet. This height requirement may be exceeded with the granting of a Conditional Use Permit (per [Section 8.00](#)). Any fence within a street yard, including along property lines, which intersect a right-of-way, shall be a maximum of fifty percent (50%) opaque. (See Section 25.01 5 b.)
  - c. Temporary Fencing: Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1, protection of excavation and construction sites, and the protection of plants during grading and construction is permitted for up to one hundred eighty (180) consecutive days and no more than one hundred eighty (180) consecutive days per calendar year.
  - d. Snow Fences: Snow fences constructed of wood, wire, and/or plastic shall be permitted only as temporary fences.
3. Location: On all properties, no fence, landscape wall, or decorative post shall be located closer than one (1) foot to the front yard or street yard property line. Fences may be located on any property line abutting a side or rear yard.
4. Maximum Height: The maximum height from the preexisting grade of said lot of any fence, landscape wall, or decorative post shall be the following:
  - a. Two and one-half (2.5) foot maximum height when fence is located within ten (10) feet of the front lot line.
  - b. Four (4) foot maximum height when fence is located more than ten (10) feet from the front lot line but within a required front yard or required street yard on any property;

- c. Six (6) foot maximum height when fence is located within the required interior side or rear yards of any residentially zoned property, and;
  - d. Six (6) foot maximum height for all non-security fences, when located outside the required front yard or required street yard on any non-residential zoned property. The maximum height of security fences may be exceeded up to ten (10) feet with the approval of a conditional use permit, and compliance with the following minimum conditions.
    1. The increase in height shall in no way further obstruct vision for intersecting streets, driveways, sidewalks or other traffic areas;
      - A. The fence shall be screened on its external side with adequate plants so as to maintain an attractive appearance to said side.
      - B. The fence shall be setback from the property line beyond the requirement above, at a distance appropriate to contain adequate landscaping so as to maintain an attractive relationship to the external side of the fence.
  - e. Deer Fencing-Fencing material constructed of a black mesh or black web type deer fence product is permissible at a height of eight (8) feet for side and rear yards only.
5. Orientation: Any and all fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property.
  6. Maintenance: Any and all fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner.
  7. Swimming Pools: Fencing for swimming pools shall be provided per the *Model Swimming Pool Enclosure Code established by the National Spa and Pool Institute (NSPI)*,
  8. Open fences in the agricultural districts are exempt from the yard and distance requirements of this Section.
  9. To secure a safe sight distance from a street or road, no hedge or closed fence in the front or side yard shall be permitted within a vision triangle.
  10. Security fences are permitted on the property lines in all districts except residential districts but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

#### **25.16 Exterior Storage Standards for Commercial Districts**

1. Requirements for Exterior Storage in Commercial Districts:

In commercial zoning districts all materials and equipment shall be stored within a completely enclosed building or screened from public view.

  - a. Exceptions: The following shall not be located within any front yard or required street yard (except for vehicles in designated parking spaces) and shall be stored a minimum of five (5) feet from any and all property lines: visually screened refuse containers; temporary construction materials, and related equipment connected within on-site construction.
  - b. Exterior Storage: Exterior storage shall not be in the front yard and shall be screened from public right-of-way with a solid six (6) foot high fence.

## DEFINITIONS

### GENERAL DEFINITIONS

For the purpose of this Ordinance, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Any words not defined in this Article shall be presumed to have their customary dictionary definitions.

#### A. RULES

1. Words used in the present tense in this ordinance include the future.
2. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual.
3. The word "shall" is mandatory.
4. The word "should" is advisory.
5. The word "may" is permissive.

#### B. SPECIFIC WORDS AND PHRASES

1. Accessory Use or Structure: A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.
2. Alley: A special public right-of-way affording only secondary access to abutting properties.
3. Antenna, commercial: A building mounted communications device designed to receive or send a broadcast as part of a commercial operation.
4. Antenna, residential: A building mounted communications device designed to receive or send a broadcast for a residential structure.
5. Approval Authority: The Town of Wilson Town Board.
6. Arterial Street: A public street or highway used, or intended to be used primarily for fast or heavy, through traffic. Arterial streets shall include any street, highway, and parkway with more than eighty (80) feet of right-of-way.
7. Basement: That portion of any structure that is located below lot grade or a room(s) with a ceiling that is less than four (4) feet above lot grade. Basement floor areas shall not be used to compute minimum floor areas as required by this Ordinance.
8. Bluff: The steep slopes, generally wave cut and nearly vertical with exposed soil, rising from the shorelines of lakes or streams. Bluffs may also be referred to as cliffs or banks.
9. Building: Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials, including, but not limited to garages, accessory structures, storage sheds, gazebos, carports and lean-to's.
10. Building, Accessory: See "Accessory Use or Structure".
11. Building Area: The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.
12. Building Coverage: Area of the gross acreage of a site occupied by a building.
13. Building Height: The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of the roof.



14. Building Permit: A permit issued by the Building Inspector for construction, moving, alteration, or addition to any use, structure, or structure and use in combination upon compliance with the provisions of this Ordinance.
15. Building, Principal: The building on a lot in which is conducted the principal use as permitted on such lot by the regulation of the district in which it is located.
16. Certified Survey Map: A map of a land division, not a subdivision, prepared in accordance with Section 236.34, Wis. Stats., and in full compliance with the applicable provisions of this Ordinance. A Certified Survey Map has the same legal force and effect as a subdivision plat.
17. Channel: A natural or man-made watercourse of perceptible extent, with a definite bed and banks to convey and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of the defined channel.
18. Conditional Uses: Uses of a special nature as to make impractical their predetermination as a principle use in a district.
19. County: Sheboygan County, Wisconsin.
20. Cul-de-sac: Minor street closed at one end with turn around provided.
21. Development: Subdivision.
22. District, Basic: A part or parts of the Town for which the regulations of this Ordinance governing the use and location of land and buildings are uniform.
23. District, Overlay: Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the stricter of the conflicting requirement shall apply.
24. Drive-in establishment: A type of use that offers goods or services directly to customers waiting in parked motor vehicles.
25. Driveway: That portion of a parcel or property intended to be used for delineated access, paved or unpaved, from the abutting access street onto a property.
26. Duplex: A building designed to be occupied by two (2) families living independent of each other.
27. Dwelling: A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.
28. Dwelling Unit: A group of rooms constituting all or part of a dwelling, which are arranged, designed, used, or intended for use exclusively as living quarters for one (1) family.
29. Dwelling, Single-Family: A detached building designed for or occupied exclusively by one (1) family.
30. Essential Services: Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.
31. Extractive Operation: The removal of rock slate, gravel, sand, topsoil, or other natural material from the earth by excavation, stripping, leveling or other process.

32. Family: Any number of persons related by blood, adoption, or marriage or not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity.
33. Freeway: A highway with full control of access and with fully grade separated intersections.
34. Fence, Open: A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than fifty percent (50%) of their surface area open for free passage of light and air. Examples of such fences include barbed wire, chain link, picket, and rail fences.
35. Fence, Solid: A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with fifty percent (50%) or less of their surface area open for free passage of light and air. Examples of such fences are stockade, board-on-board, board and batten, basket weave, and louvered fences.
36. Final Plat: The map or plat, which is prepared for recording in the Register of Deeds Office.
37. Flood: A temporary rise in the stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel. It should be noted that flooding could occur in areas not adjacent to streams or lakes due to overland movements of larger quantities of storm water at the time of heavy or intense rainfall in a short period of time.
38. Frontage: The smallest dimension of a lot abutting a public street measured along the street right-of-way line. For lots abutting a lake or stream, the smallest dimension measured along the shoreline.
39. Garage, Private: A structure primarily intended and used for the enclosed storage or shelter of the private motor vehicles of the families residing on the premises. Carports are considered garages.
40. Garage, Public or Commercial: Any garage other than a private garage.
41. Guest House or Guest Cottage: A one family dwelling not used as a permanent residence.
42. Home Occupation: Economic activities performed within any residence which comply with the following requirements:
  - a. The home occupation shall be conducted completely within the dwelling unit or accessory building or structure (conditional usage) and not on any open porch, deck, patio or other unenclosed or partially enclosed portion of the dwelling unit.
  - b. The home occupation shall be conducted by a resident of the dwelling unit, and no more than ONE (full time equivalency) other non-resident person who shall operate on the premises shall be employed in the business.
  - c. No more than twenty-five (25) percent of the total living area of the dwelling (inclusive of garage and porch areas) shall be used for the home occupation including storage of goods, materials or equipment.
  - d. No activity, materials, goods, or equipment incidental to the home occupation shall be externally visible in all residential zoning or be otherwise incompatible with the surrounding area, be it residential or agricultural.
  - e. The home occupation shall not result in noise or vibration, light, odor, dust, smoke or other air pollution noticeable at or beyond the property line.
  - f. In no instance shall a home occupation create a nuisance for neighboring properties.

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43. Kennel: An area or structure for breeding, rearing, boarding, or training of three or more dogs over the age of five months.
44. Landscaped area: The area of a site which is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced groundcovers, shrubs, bushes, and trees.
45. Livestock unit: A livestock unit is defined as the equivalent of one (1) steer, dairy cow or horse, two (2) swine, four (4) sheep or twenty (20) poultry or fur bearing animals
46. Lot: For the purposes of this Ordinance, a lot shall be defined as a parcel of land on which a principal building and its accessory buildings are placed, together with the required open spaces; provided that no such parcel shall be bisected by a public street, and shall not include any portion of a public right-of-way. No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot size for the purposes of this Ordinance. (See also Parcel.)
47. Lot, Corner: A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five (135) degrees or less, measured on the lot side.
48. Lot, Double Frontage: A parcel of land, other than a corner lot, with frontage on more than one (1) street or with frontage on a street and a navigable body of water. Double frontage lots, for the purpose of this Ordinance, shall be deemed to have two (2) front yards and no rear yard.
49. Lot Width: The width of a parcel of land measured at the setback line.
50. Motel: A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
51. Multi-family Dwelling: A building designed or intended to be used by more than two (2) families living independently of each other.
52. Net Acreage: The acreage in a parcel of land including no land devoted to access to the parcel or devoted to uses attendant to or provided for service to the parcel or residents.
53. Non-conforming Uses or Structures: Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this Ordinance or amendments thereto which does not conform to the regulations of this Ordinance or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a non-conforming structure and not a non-conforming use.
54. Ordinary High Water Mark: The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
55. Parcel: For the purposes of this Ordinance, a parcel shall be defined as a land ownership upon which one (1) or more rural structures, including farm residences, are placed, together with the required open spaces. The term "parcel" is used in the A-1, A-2, A-3 and A-4 district regulations and unlike the term "lot", as defined elsewhere in this Ordinance.
56. Parking Lot: A structure or premises containing ten (10) or more parking spaces open to the public. Such spaces may be for rent or a fee.
57. Parkway: A continuous or semi-continuous park, open space area or drive, usually along watercourse or park, where the land is owned or reserved for public or semipublic purposes.

58. Parties in Interest: Includes all abutting property owners, all property owners within three hundred (300) feet, and all property owners of opposite frontages.
59. Plan Commission: The Town of Wilson Planning Commission.
60. Planting Screen: A combination of plants that cover at least fifty percent (50%) of the face surface area between the ground and five (5) feet high when planted.
61. Plat: The map and related documents, which are intended to be recorded with and referenced, of a subdivision or minor land division showing the division of the land into lots, blocks, outlots, streets or other required information.
62. Preliminary Plat: The preliminary drawing described in this Ordinance indicating the proposed manner or layout of the streets, lots and blocks of the subdivision or development.
63. Principal Structure: The building or structure on a lot in which is conducted the principal use as permitted on such lot by the regulation of the district in which it is located.
64. Professional Home Office: An office, located in the residence of a professional used for the conduct of a recognized profession, that is clearly a secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.
65. Rear Yard: A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.
66. Salvage Yard: A site used for the storage or sale of salvageable materials or for the purpose of salvage, wrecking, dismantling, or demolition of salvageable materials. This includes the collection and/or dismantling of automobiles or other objects for transportation, re-use, or resale.
67. Shore lands: All lands, water and air located within the following distances from the normal high water elevation of navigable waters as defined in Section 144.26(2) (d) of the Wisconsin Statutes: one thousand (1,000) feet from a lake, pond flowage: three hundred (300) feet from a river or stream to the landward side of the floodplain, whichever distance is greater.
68. Street Yard or Setback: A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) such yards.
69. Story: That portion of a building included between the surface of a floor and the surface of the floor above it, or, if there is no floor above it, then the surface between the floor and the ceiling above it. A basement or cellar having one-half or more of its height above grade shall be deemed a story for the purposes of height regulation.
70. Signs: Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.
71. Structure: Any erection or construction, including, but not limited to buildings, towers, masts, poles, booms, signs, decks, swimming pools, machinery and equipment except flagpoles, decorations and birdhouses.
72. Structure, Accessory: See "Accessory Use or Structure".

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73. Structural Alterations: Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.
74. Subdivider: Any person or persons engaged in the act of subdividing land.
75. Subdivision: A division of a lot, parcel, or tract of land by the owner thereof, or the owner's agent, for the purpose of transfer of ownership or building development where the act of division creates:
  1. Five (5) or more lots, parcels, or building sites of forty (40) acres each or less in area; or,
  2. Five (5) or more lots, parcels, or building sites of forty (40) acres each or less in area by successive divisions of the same "Mother Tract" within a period of five (5) years.
76. Swimming Pool: A structure, basin, chamber or tank containing an artificial body of water, used or intended to be used for purposes of swimming or diving, and having a depth at any point greater than three (3) feet.
77. Tower: Ground mounted communications device designed to receive and or send broadcasts.
78. Turning Lanes: An existing or proposed connecting roadway between two (2) arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.
79. Use, Principal: The main or primary use of property or structures as permitted on such lot by the regulations of the district in which it is located.
80. Utilities: Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations.
81. Wind Energy Conversion System: A combination of; 1) some sort of surface area for capturing the wind; 2) a shaft, gearing belt, or coupling assembly for converting the rotational power of the attached surface area to an electrically or mechanically usable form; 3) a generator or alternator to convert the rotational energy into electrical energy; 4) some sort of tower or other structure upon which the first three elements are mounted.